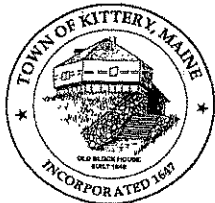


MATERIAL LIST FOR
JANUARY 13, 2014
COUNCIL AGENDA PACKETS

1. Copy of Agenda for the Jan. 13, 2014 Regular Council meeting.
2. Copies of minutes from the 4/8/13, 6/10/13, 11/25/13, 12/9/13, 12/23/13 and 01/06/14 Council meetings.
3. Copy of draft application from DEP for Brownfields Cleanup Grant for Wood Island.
4. Copy of proposed, corrected amendments to Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4 Permit Period.
5. Copies of proposed, corrected amendments to Chapter 16.11, Marine-Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.
6. Copy of Victualer's license application for Hobie's Grill and other related material
7. Copy of amended Economic Development Committee charge 2/11/13.
8. Copy of appointments to Council committees approved 11/25/13
9. Copy of proposed amendment from Councilor Denault to Council Rules, Sec. 15, Standing Committees (B).
10. Copy of application from Kittery Outlet Association for five Town-wide 2014 Sidewalk Sales Events.
11. Copy of Report to Council from the Recreation Director regarding adding a job description for the Community Center
12. Copy of Manager's report to Town Council.



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

WORKSHOP 6:00 P.M.

The Kittery Town Council will meet with the Town Manager and Shoreland Resource Officer to continue discussion of the septic ordinance.

January 13, 2014

Kittery Town Council
Regular Meeting Agenda
7:00 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Reserved
7. Acceptance of Previous Minutes
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
10. PUBLIC HEARING
 - a. (010214-1) The Kittery Town Council will hold a public hearing to receive comments on the DEP Brownfields Cleanup Grant application for Wood Island.
11. DISCUSSION
 - a. Discussion by members of the public (three minutes per person)
 - b. Response to public comment directed to a particular Councilor
 - c. Chairperson's response to public comments
12. UNFINISHED BUSINESS
 - a. (120113-2) The Kittery Town Council moves to approve, and hereby ordains amendments to, Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4, Permit Period.
 - b. (120113-3) The Kittery Town Council moves to approve, and hereby ordains amendments to, Title 16, Chapter 16.11, Marine-Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

c. (120213-3) The Kittery Town Council moves to approve the application from Hobie's Grill LLC, 34 Pinewood Drive, Stratham, NH for a Victualer's License for Hobie's Grill, Super Shoes, U.S. Route One, Kittery.

d. (120213-15) The Kittery Town Council moves to appoint Jessa Kellogg as Assistant Code Enforcement Officer until 12/31/14.

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (010214-2) The Kittery Town Council moves to approve the disbursement warrants.

c. (010214-3) The Kittery Town Council moves to rescind its vote from the December 23, 2013 meeting to extend the term of the Economic Development Committee until March 31, 2014.

d. (010214-4) The Kittery Town Council moves to rescind its vote from the November 25, 2013 meeting to appoint Jeffrey Thomson and Charles Denault to the Economic Development Committee and to appoint one Councilor to the Economic Development Committee.

e. (010214-5) The Kittery Town Council moves to consider and approve amendments to Council Rules, Section 15, Standing Committees, (B), the Ordinance Review Committee, regarding membership and duties.

f. (010214-6) The Kittery Town Council moves to approve the five town-wide Sidewalk Sales Events for 2014, as requested by the Kittery Outlet Association.

g. (010214-7) The Kittery Town Council moves to schedule a public hearing to amend Title 2 Administration and Personnel Chapter 2.4 Personnel Positions Established of the Kittery Town Code.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

b. Town Manager's Report

c. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

April 8, 2013

COUNCIL CHAMBERS

1. Call to Order

Chairperson Dow called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Dow read the introductory.

3. Pledge of Allegiance

Chairperson Dow led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson George Dow, Vice Chairperson Jeffrey Pelletier, Councilors Frank Dennett, Jeffrey Thomson, Judy Spiller, Leo Guy and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Chairperson Dow indicated they needed to add an item under 13(a) to accept a check from the Traip Academy Boosters.

The agenda was accepted as amended.

6. The Kittery Town Council moves to hear a presentation from the Traip Academy Experiential Classroom Students on their seven day trip to the Channel Island National Park

Don Graham came to the podium and stated this was Traip's second year of doing outside of the classroom learning. He continued it was a great trip and the students were excellent. The students then gave their presentation on their trip.

7. Acceptance of Previous Minutes – 3/25/13

The minutes of 3/25/13 were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. (040113-1) The Kittery Town Council moves to authorize the Acting Town Manager to award through an alternative procurement method a contract with Kleinfelder (formerly SEA Consultants) for professional engineering services for the design of the infrastructure projects.

UNAPPROVED MINUTES

COUNCILOR PELLETIER MOVED TO AUTHORIZE THE ACTING TOWN MANAGER TO AWARD THROUGH AN ALTERNATIVE PROCUREMENT METHOD A CONTRACT WITH KLEINFELDER FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE INFRASTRUCTURE PROJECTS, SECONDED BY COUNCILOR SPILLER.

Superintendent Kathios stated that Kleinfelder had been working with the town for over 30 years and were very qualified. Councilor Dennett asked where the money was coming from. Superintendent Kathios responded that the money was coming from reserve accounts. Councilor Pelletier asked if they were other firms that were qualified to do the work and if so, if they would have access to the documents previously used for projects. Superintendent Kathios indicated that there were and they would have access to the documents, but that it would take up a considerable amount of his time. Councilor Pelletier indicated that he thought that they needed to do a bid process for everything and could not support this.

A ROLL CALL VOTE WAS TAKEN WITH CHAIRPERSON DOW AND COUNCILOR PELLETIER OPPOSED. MOTION PASSES 5/2.

b. (040113-2) The Kittery Town Council moves to authorize an alternative procurement method to purchase two new Chevy Odyssey 2010 Turtle Top 14 passenger buses through Patsy's Bus Sales for the Kittery Recreation Department to replace two 1996 15 passenger vans currently in use.

Janice Grady came to the podium and indicated that she had been putting money away for a long time for vehicle replacement. She continued that the vehicles were 2010 but were never used and came with a full warranty. She continued that one of the vans would be handicapped accessible.

COUNCILOR PELLETIER MOVED TO AUTHORIZE AN ALTERNATIVE PROCUREMENT METHOD TO PURCHASE TWO NEW CHEVY ODYSSEY 2010 TURTLE TOP 14 PASSENGER BUSES THROUGH PATSY'S BUS SALES FOR THE KITTERY RECREATION DEPARTMENT TO REPLACE TWO 1996 15 PASSENGER VANS CURRENTLY IN USE, SECONDED BY COUNCILOR THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

10. PUBLIC HEARINGS -

a. (040113-3) The Kittery Town Council moves to authorize a supplemental appropriation not to exceed \$16,500 for consulting services to be provided by Municipal Resources, Inc. to conduct a Town Manager recruitment for the Town of Kittery.

UNAPPROVED MINUTES

63 Chairperson Dow opened the public hearing and no response being heard, closed the
64 public hearing.

65 **COUNCILOR PELLETIER MOVED TO AUTHORIZE A SUPPLEMENTAL**
66 **APPROPRIATION NOT TO EXCEED \$16,500 FOR CONSULTING SERVICES TO BE**
67 **PROVIDED BY MUNICIPAL RESOURCES, INC. TO CONDUCT A TOWN MANAGER**
68 **RECRUITMENT FOR THE TOWN OF KITTELY, SECONDED BY COUNCILOR**
69 **BRAKE.**

70 Councilor Dennett asked where the money was coming from. Town Manager Place
71 responded it was coming from undesignated surplus. Councilor Dennett indicated that he would
72 be abstaining from the vote. Councilor Thomson stated there was no certified statement showing
73 the funds were available as required by Charter. Chairperson Dow stated he could not dispute
74 was Councilor Thomson was saying and asked that the certificate be brought to the next meeting.

75 **COUNCILOR GUY MOVED TO POSTPONE ACTION UNTIL THE MEETING**
76 **ON APRIL 22, 2013, SECONDED BY COUNCILOR PELLETIER.**

77 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
78 **ABSTAINED. MOTION PASSES 6/0/1.**

79 11. DISCUSSION

80 a. Discussion by members of the public (three minutes per person) –

81 Russell White came to the podium and indicated that WILSSA was looking to schedule a
82 workshop with Council within the month.

83 Mike O'Donnell came to the podium and stated that he was objected to tearing down the
84 life saving station and would rather see it just deteriorate if nothing else could be done.

85 b. Chairperson's response to public –

86 Chairperson Dow indicated they would be having discussions relative to Wood Island in
87 the near future but that they could not let the building deteriorate as it would be hazardous.

88 12. UNFINISHED BUSINESS – None

89 13. NEW BUSINESS

90 a. Donations/gifts received for Council disposition –

91 The Kittery Town Council moves to accept a check from the Traip Academy Athletic
92 Boosters in the amount of \$4512.56 for 50% of the auction profit for the Recreation Department.

UNAPPROVED MINUTES

COUNCILOR SPILLER MOVED TO ACCEPT THE CHECK FROM THE
TRAIP ACADEMY BOOSTERS IN THE AMOUNT OF \$4512.56 FOR 50% OF THE
AUCTION PROFIT FOR THE RECREATION DEPARTMENT, SECONDED BY
COUNCILOR THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
7/0.

b. (040113-4) The Kittery Town Council moves to give preliminary approval on the FY
'14 School Budget and schedule a public hearing on May 13th to adopt the FY '14 School
Budget.

COUNCILOR THOMSON MOVED TO SEPARATE THE QUESTION,
SECONDED BY COUNCILOR GUY.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
7/0.

COUNCILOR PELLETIER MOVED TO GIVE PRELIMINARY APPROVAL ON
THE FY '14 SCHOOL BUDGET, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT
ABSTAINED. MOTION PASSES 6/0/1.

COUNCILOR PELLETIER MOVED TO SCHEDULE A PUBLIC HEARING ON
MAY 13TH TO ADOPT THE FY '14 SCHOOL BUDGET, SECONDED BY COUNCILOR
GUY.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
7/0.

c. (040113-5) The Kittery Town Council moves to approve an application from Roberts
Maine Grill LLC for a Malt, Spirituous and Vinous Liquor License for Roberts Maine Grill and
Market, 326 US Route 1.

COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM
ROBERTS MAINE GRILL LLC FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR
LICENSE FOR ROBERTS MAINE GRILL AND MARKET, 326 US ROUTE 1,
SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
7/0.

UNAPPROVED MINUTES

d. (040113-6) The Kittery Town Council moves to authorize the Kittery Fire Association to place a banner across Rogers Road in front of the Kittery Community Center from May 1st until May 20th for the Annual Kittery Fire Association 5K Run & Walk.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE KITTEY FIRE ASSOCIATION TO PLACE A BANNER ACROSS ROGERS ROAD IN FRONT OF THE KITTEY COMMUNITY CENTER FROM MAY 1ST UNTIL MAY 20TH FOR THE ANNUAL KITTEY FIRE ASSOCIATION 5K RUN & WALK, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

e. (030213-7) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

g. (040113-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Personnel Board to interview Page Mead for his re-appointment to that board until 11/10/15.

COUNCILOR SPILLER MOVED TO APPOINT COUNCILOR DENNETT TO MEET WITH THE CHAIR OF THE PERSONNEL BOARD TO INTERVIEW PAGE MEAD FOR HIS RE-APPOINTMENT TO THAT BOARD UNTIL 11/10/15, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR.

h. (040113-10) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Board of Assessment Review to interview Dudley Bierau for his reappointment to that board until 11/10/15.

COUNCILOR DENNETT MOVED TO APPOINT CHAIRPERSON DOW TO MEET WITH THE CHAIR OF THE ASSESSMENT REVIEW TO INTERVIEW DUDLEY BIERAU FOR HIS REAPPOINTMENT TO THAT BOARD UNTIL 11/10/15, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR.

i. (040113-11) The Kittery Town Council moves to ratify and sign a two year labor contract from July 1, 2012 through June 30, 2014 for the Police Department Dispatchers, Patrolmen and Supervisors, Administrative/Clerical, Professional, Technical and Public Works units.

UNAPPROVED MINUTES

COUNCILOR PELLETIER MOVED TO RATIFY AND SIGN A TWO YEAR LABOR CONTRACT FROM JULY 1, 2012 THROUGH JUNE 30, 2014 FOR THE POLICE DEPARTMENT DISPATCHERS, PATROLMEN AND SUPERVISORS, ADMINISTRATIVE/CLERICAL, PROFESSIONAL, TECHNICAL AND PUBLIC WORKS UNITS, SECONDED BY COUNCILOR BRAKE.

Councilor Thomson stated that he objected to the contracts.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR THOMSON OPPOSED. MOTION PASSES 6/1.

j. (040113-12) The Kittery Town Council moves to review and finalize wording on the Warrant Articles for the June 11, 2013 Town Meeting/Secret Ballot Vote.

COUNCILOR THOMSON MOVED ALL ARTICLES AS PRESENTED, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

COUNCILOR THOMSON MOVED TO RECOMMEND ARTICLE 2, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR.

COUNCILOR PELLETIER MOVED TO RECOMMEND ARTICLE 3, SECONDED BY COUNCILOR THOMSON WITH ALL IN FAVOR.

COUNCILOR SPILLER MOVED TO RECOMMEND ARTICLE 4, SECONDED BY COUNCILOR GUY WITH ALL IN FAVOR.

COUNCILOR THOMSON MOVED TO RECOMMEND ARTICLE 5, SECONDED BY COUNCILOR GUY WITH ALL IN FAVOR.

COUNCILOR PELLETIER MOVED TO RECOMMEND ARTICLE 6, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.

COUNCILOR THOMSON MOVED TO RECOMMEND ARTICLE 7, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR.

14. COUNCILOR ISSUES OR COMMENT

Councilor Spiller stated there were large potholes on the entrance to Route 95 coming from Route 236 and asked that someone look at them.

15. COMMITTEE AND OTHER REPORTS

UNAPPROVED MINUTES

187 a. Communications from the Chairperson –

188 Chairperson Dow stated that he would be looking to schedule a workshop with WILSSA
189 in the near future.

190 b. Town Manager's Report – None

191 c. Committee Reports – None

192 16. EXECUTIVE SESSION – None

193 17. ADJOURNMENT

194 **COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY**
195 **COUNCILOR THOMSON WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:46**
196 **P.M.**

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UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

June 10, 2013

COUNCIL CHAMBERS

1. Call to Order

Chairperson Dow called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Dow read the introductory.

3. Pledge of Allegiance

Chairperson Dow led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson George Dow, Vice Chairperson Jeffrey Pelletier, Councilors Frank Dennett, Jeffrey Thomson, Judy Spiller and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Chairperson Dow indicated they needed to move items 13 g, h and i to Section 9 to become 9 a, b and c.

The agenda was accepted as amended.

6. Reserved –

7. Acceptance of Previous Minutes – none

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

a. (050213-10) The Kittery Town Council moves to consider, and approve, a petition for acceptance of an approved private street, Roseberry Lane, as a public street, as per Title 16.8.5 of the Kittery Town Code.

Town Planner Mylroie came to the podium and stated Council had a draft warranty deed that would allow for transfer of the road to the town and it should be ready for action.

**COUNCILOR THOMSON MOVED TO APPROVE A PETITION FOR
ACCEPTANCE OF AN APPROVED STREET, ROSEBERRY LANE, AS A PUBLIC**

UNAPPROVED MINUTES

28 STREET, AS PER TITLE 16.8.5 OF THE KITTERY TOWN CODE, SECONDED BY
29 COUNCILOR SPILLER.

30 COUNCILOR DENNETT MOVED TO AMEND THE MAIN MOTION TO
31 CHANGE THE WORD "STREET" TO "WAY", SECONDED BY COUNCILOR
32 SPILLER.

33 A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
34 6/0.

35 A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN
36 FAVOR. MOTION PASSES 6/0.

37 b. (060113-13) The Kittery Town Council moves to rescind action on the following
38 motions made on November 26, 2012 and April 22, 2013:

39 *(040213-12) The Kittery Town Council moves to release funds in the amount of \$1000*
40 *from the Insurance Claims Account #2024-67500 to cover the cost of an insurance claim*
41 *deductible.*

42 *(110412-9) The Kittery Town Council moves to release funds in the amount of \$1000*
43 *from the Insurance Claims Account #2024-67500 to cover the cost of an insurance claim*
44 *deductible.*

45 COUNCILOR DENNETT MOVED TO RESCIND ACTION AS PRESENTED,
46 SECONDED BY COUNCILOR THOMSON.

47 A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR SPILLER
48 ABSTAINED. MOTION PASSES 5/0/1.

49 c. (060113-14) The Kittery Town Council moves to release funds in the amount of
50 \$2000 from unencumbered surplus and to deposit said funds into account #101740-68427 –
51 Expense Self Insurance Claims Coverage, to cover the cost of the deductibles for two insurance
52 claims.

53 COUNCILOR DENNETT MOVED TO RELEASE FUNDS IN THE AMOUNT OF
54 \$2000 FROM UNENCUMBERED SURPLUS AND TO DEPOSIT SAID FUNDS INTO
55 ACCOUNT #101740-68427 – EXPENSE SELF INSURANCE CLAIMS COVERAGE, TO
56 COVER THE COST OF THE DEDUCTIBLES FOR TWO INSURANCE CLAIMS,
57 SECONDED BY COUNCILOR THOMSON.

58 A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
59 6/0.

UNAPPROVED MINUTES

d. (060113-15) The Kittery Town Council moves to release funds in the amount of \$1000 from unencumbered surplus and to deposit said funds into account #101740-68427 – Expense Self Insurance Claims Coverage, to cover the cost of the deductible for an insurance claim.

COUNCILOR DENNETT MOVED TO RELEASE FUNDS IN THE AMOUNT OF \$1000 FROM UNENCUMBERED SURPLUS AND TO DEPOSIT SAID FUNDS INTO ACCOUNT #101740-68427 – EXPENSE SELF INSURANCE CLAIMS COVERAGE, TO COVER THE COST OF THE DEDUCTIBLE FOR AN INSURANCE CLAIM, SECONDED BY COUNCILOR THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

10. PUBLIC HEARINGS -

a. (060113-1) The Kittery Town Council moves to hold a public hearing, and hereby ordains, to approve amendments to Title 16, Chapter 16.2, Definitions and Chapter 16.3, Land Use Zone Regulations of the Kittery Town Code to add Specialty Food and/or Beverage Facility definition and use.

Chairperson Dow opened the public hearing.

John Considine came to the podium and indicated that he had known Todd Mott for a long time and that he had an impeccable reputation in the industry. He continued that Kittery would be lucky to have his brewery in town.

Lucinda Schlaffer came to the podium and stated she thought this would be good for the business community and would complement the other businesses in town.

Andrew Bevin of South Berwick came to the podium and indicated that he was the owner of Salmon Falls Winery and was looking for a new location. He continued that he wanted to come to Kittery and that he thought it would be a good addition to the town.

Mark Castinella came to the podium and stated that he thought this would be a good opportunity for Kittery. He continued that Todd Mott's crafts were some of the best in the industry and this would be an opportunity to put Kittery on the map.

Michael Landgarten came to the podium and stated that he was in favor of the change and that it would be low impact and an exciting opportunity for the town.

Cleone Graham came to the podium and asked if anyone had done a traffic study.

UNAPPROVED MINUTES

91 Brandan Holden came to the podium and stated he thought this would add a lot to the
92 community and hoped to see this move forward.

93 Jackie Dow came to the podium and stated she thought this was a great opportunity for
94 the town and did not think that traffic would be an issue.

95 Chairperson Dow then closed the public hearing.

96 **COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL**
97 **ORDAIN THE AMENDMENTS TO TITLE 16, CHAPTER 16.2, DEFINITIONS AND**
98 **CHAPTER 16.3, LAND USE ZONE REGULATIONS OF THE KITTERY TOWN CODE**
99 **TO ADD SPECIALTY FOOD AND/OR BEVERAGE FACILITY DEFINITION AND**
100 **USE AS PRESENTED, SECONDED BY COUNCILOR SPILLER.**

101 Councilor Dennett stated that he had a problem with the ordinance as it was written and
102 that it should allow for wholesale and retail sales.

103 **COUNCILOR DENNETT MOVED TO AMEND THE MAIN MOTION TO**
104 **CHANGE THE WORDING “SOLD ON A WHOLESALE OR RETAIL BASIS” TO**
105 **“SOLD ON A WHOLESALE AND/OR RETAIL BASIS”, SECONDED BY COUNCILOR**
106 **THOMSON.**

107 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
108 **6/0.**

109 **COUNCILOR DENNETT MOVED TO AMEND THE MAIN MOTION TO**
110 **STRIKE THE WORDING “AS PERMITTED BY STATE OF MAIN LAW”, SECONDED**
111 **BY COUNCILOR THOMSON.**

112 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
113 **6/0.**

114 **A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN**
115 **FAVOR. MOTION PASSES 6/0.**

116 b. (060113-2) The Kittery Town Council moves to hold a public hearing, and hereby
117 ordains to approve amendments to Title 5, Section 5.10.4 Applicability, of the Kittery Town
118 Code to extend the recently adopted Use of Public Way ordinance which permitted outdoor
119 seating only to those properties located in the Mixed Use – Kittery Foreside Zone from the
120 calendar year 2012 – 2013.

121 Chairperson Dow opened the public hearing and no response being heard, closed the
122 public hearing.

UNAPPROVED MINUTES

**COUNCILOR THOMSON MOVED THAT THE KITTERY TOWN COUNCIL
HEREBY ORDAINS AMENDMENTS TO TITLE 5, SECTION 5.10.4 APPLICABILITY,
OF THE KITTERY TOWN CODE TO EXTEND THE RECENTLY ADOPTED USE OF
PUBLIC WAY ORDINANCE WHICH PERMITTED OUTDOOR SEATING ONLY TO
THOSE PROPERTIES LOCATED IN THE MIXED USE – KITTERY FORESIDE ZONE
FROM THE CALENDAR YEAR 2012 – 2013, SECONDED BY COUNCILOR BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
6/0.**

c. (060113-3) The Kittery Town Council moves to hold a public hearing to approve the application from Frisbee's Holdings, LLC for a Victualer's license for Captain and Patty's, 90 Pepperrell Road, Kittery Point.

Chairperson Dow opened the public hearing and no response being heard, closed the public hearing.

**COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM
FRISBEE'S HOLDINGS, LLC FOR A VICTUALER'S LICENSE FOR CAPTION AND
PATTY'S, 90 PEPPERRELL ROAD, KITTERY POINT, SECONDED BY COUNCILOR
BRAKE.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
6/0.**

d. (060113-4) The Kittery Town Council moves to hold a public hearing on the application from Frisbee's Holdings, LLC for a Special Activity/Amusement Permit for Captain and Patty's, 90 Pepperrell Road, Kittery Point.

Chairperson Dow opened the public hearing and no response being heard, closed the public hearing.

**COUNCILOR THOMSON MOVED TO APPROVE THE APPLICATION FROM
FRISBEE'S HOLDINGS, LLC FOR A SPECIAL ACTIVITY/AMUSEMENT PERMIT
FOR CAPTAIN AND PATTY'S, 90 PEPPERRELL ROAD, KITTERY POINT,
SECONDED BY COUNCILOR SPILLER.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
6/0.**

e. (060113-5) The Kittery Town Council moves to hold a public hearing on the application from Kittery Point Market, Inc. for a Victualer's License for Kittery Point Market, 88 Pepperrell Road, Kittery Point.

UNAPPROVED MINUTES

156 Town Manager Place indicated this item was not ready for action and it should be
157 postponed until the next meeting.

158 f. (060113-6) The Kittery Town Council moves to hold a public hearing on the
159 application from Atlantic Seafood, LLC for a Victualer's License for Union Lobster House, 2
160 Badgers Island West, Kittery.

161 Chairperson Dow opened the public hearing and no response being heard, closed the
162 public hearing.

163 **COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM**
164 **ATLANTIC SEAFOOD, LLC FOR A VICTUALER'S LICENSE FOR UNION LOBSTER**
165 **HOUSE, 2 BADGERS ISLAND WEST, KITTERY, SECONDED BY COUNCILOR**
166 **BRAKE.**

167 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
168 **6/0.**

169 g. (060113-7) The Kittery Town Council moves to hold a public hearing on Articles 2
170 through 7 for the June 11th Town Meeting Election.

171 Chairperson Dow opened the public hearing and no response being heard, closed the
172 public hearing. No action was needed on the item.

173 11. DISCUSSION

174 a. Discussion by members of the public (three minutes per person) – None

175 b. Chairperson's response to public – None

176 12. UNFINISHED BUSINESS – None

177 13. NEW BUSINESS

178 a. Donations/gifts received for Council disposition - None

179 b. (060113-8) The Kittery Town Council moves to approve the disbursement warrants.

180 **COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT**
181 **WARRANTS, SECONDED BY COUNCILOR THOMSON.**

182 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
183 **6/0.**

UNAPPROVED MINUTES

184 c. (060113-9) The Kittery Town Council moves to approve the application from Frisbee
185 Holdings, LLC for a Malt, Spirituous and Vinous Liquor License for Captain and Patty's, 90
186 Pepperrell Road, Kittery Point.

187 **COUNCILOR DENNETT MOVED TO CONDITIONALLY APPROVE THE**
188 **APPLICATION FROM FRISBEE'S HOLDINGS, LLC FOR A MALT, SPIRITUOUS**
189 **AND VINOUS LIQUOR LICENSE FOR CAPTAIN AND PATTY'S, 90 PEPPERRELL**
190 **ROAD, KITTERY POINT, PENDING RECEIPT OF THE NECESSARY PERMITS,**
191 **SECONDED BY COUNCILOR BRAKE.**

192 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
193 **6/0.**

194 d. (060113-10) The Kittery Town Council moves to approve an application from
195 Atlantic Seafood, LLC for a Malt and Vinous Liquor License for Union Lobster House, 2
196 Badgers Island West, Kittery.

197 **COUNCILOR SPILLER MOVED TO APPROVE THE APPLICATION FROM**
198 **ATLANTIC SEAFOOD, LLC FOR A MALT AND VINOUS LIQUOR LICENSE FOR**
199 **UNION LOBSTER HOUSE, 2 BADGERS ISLAND WEST, KITTERY, SECONDED BY**
200 **COUNCILOR BRAKE.**

201 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
202 **6/0.**

203 e. (060113-11) The Kittery Town Council moves to hear an update from the Wood
204 Island Committee and to discuss the committee's future role.

205 Councilor Spiller indicated that Council had charged WIAC in 2008 to come up with a
206 solution for access and repair to Wood Land. She continued that WILSSA had come up with a
207 proposal, but they had struggled in discussions. Councilor Spiller noted that WIAC did not
208 believe that the town could transfer ownership to WILSSA by deed and they were looking for a
209 legal opinion on whether the island could be transferred. Councilor Spiller then outlined
210 WIAC's issues with WILSSA's proposal. Councilor Pelletier asked if WIAC should continue
211 working on the project and continue discussions with WILSSA. Councilor Pelletier stated he
212 thought Council and the public needed a complete plan of the project.

213 f. (060113-12) The Kittery Town Council moves to authorize the request from the
214 Kittery Block Party Committee to place banners at the following locations, from June 11 through
215 June 15, to help publicize the event: Rice Public Library, Bob's Clam Hut, York Hospital Kittery
216 facility, Kittery Trading Post, D. Pratt Framer and Kennebunk Savings Bank, and to post
217 directional signs and arrows in the traffic circle and other spots around town.

UNAPPROVED MINUTES

COUNCILOR THOMSON MOVED TO AUTHORIZE THE REQUEST FROM THE KITTELY BLOCK PARTY COMMITTEE TO PLACE BANNERS AT THE FOLLOWING LOCATIONS, FROM JUNE 11 THROUGH JUNE 15, TO HELP PUBLICIZE THE EVENT: RICE PUBLIC LIBRARY, BOB'S CLAM HUT, YORK HOSPITAL KITTELY FACILITY, KITTELY TRADING POST, D. PRATT FRAMER AND KENNEBUNK SAVINGS BANK, AND TO POST DIRECTIONAL SIGNS AND ARROWS IN THE TRAFFIC CIRCLE AND OTHER SPOTS AROUND TOWN, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

14. COUNCILOR ISSUES OR COMMENT

Councilor Thomson stated he would like one last chance to speak with Mr. Sowerby regarding the abandoned nursing home building to find out why nothing had been done.

Councilor Thomson indicated that a lot of cars on Badgers Island had New Hampshire plates and would like the police department to look into it.

Councilor Spiller indicated that she would like an update on the BIG project.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Dow stated he would like Council to review the draft MOU regarding the Memorial Bridge illumination.

b. Town Manager's Report –

Town Manager Place noted that the contract with Eliot regarding the police chief was going well and would be presented at the next meeting.

c. Committee Reports – None

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:44 P.M.

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

November 25, 2013

COUNCIL CHAMBERS

1. Call to Order

Town Manager Nancy Colbert Puff called the meeting to order at 7:00 P.M.

2. Introductory

Town Manager Puff read the introductory.

3. Pledge of Allegiance

Town Manager Puff led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Jeffrey Pelletier, Frank Dennett, Jeffrey Thomson, Judy Spiller, Russell White, Charles Denault and Jeffrey Brake.

5. The Kittery Town Council moves to elect a Chairperson for the ensuing year.

COUNCILOR DENAULT MOVED TO NOMINATE JEFFREY THOMSON AS CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

6. The Kittery Town Council moves to elect a Vice Chairperson for the ensuing year.

COUNCILOR DENAULT MOVED TO NOMINATE RUSSELL WHITE AS VICE CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

7. Agenda Amendment and Adoption –

Councilor Pelletier stated that item 14l be removed from the agenda.

The agenda was accepted as amended.

8. Acceptance of Previous Minutes – None

9. Interviews for the Board of Appeals – None

UNAPPROVED MINUTES

10. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

11. PUBLIC HEARINGS -

a. (110113-1) The Kittery Town Council moves to continue the public hearing on amendments to the Kittery Town Code, Title 10, Chapter 10.1, Rules of the Road, 10.1.9, Traffic Restrictions – Trucks, Buses and Tractor-Trailer Vehicles, 10.2, Stop Intersections Designated, 10.2.2.1 – on Public Ways, and 10.3, Stopping, Standing and Parking, 10.3.1, General Parking regulations, 10.3.1.1, Prohibited at All Times, and 10.3.1.5, Time Period Restrictions.

Chairperson Thomson stated this public hearing had begun at the last meeting and that additional work had been done by the Town Manager and staff. Town Manager Puff stated they had come up with a few amendments which were to strike the language “heavy trucks weighing 10,000 pounds or more” and inserting “trucks with three or more axles”, to remove the proposal for the stop sign at the intersection of Government and Jones, and because the area where the town wanted to put the stop sign in at Applegate Way was on a private road, they needed to change it from Section 10.2.2.1 to Section 10.2.2.2 and to remove the parking restriction around the circle. Councilor Thomson then reopened the public hearing.

Bob Harris came to the podium and indicated that he thought it would make sense to make Government to Walker a one way street. He continued he did not think there was really a traffic problem on Stevenson Road and that he thought something might be going on behind the scenes.

COUNCILOR WHITE MOVED TO APPROVE THE ORDINANCE WITH THE TOWN MANAGER’S RECOMMENDED AMENDMENTS, SECONDED BY COUNCILOR BRAKE.

Councilor Dennett noted that some streets in town would now be restricted by weight and some by axles. Chief Short stated they should change the entire town code to refer to three axles. Councilor Dennett stated that Applegate Way was a private way and wanted to know if it was Council’s intent to put stop signs in at all driveways. Norm Albert, interim Commissioner of Public Works, stated that if they residents wanted a stop sign they had to order them and put them up themselves. Councilor Dennett asked why this was included in the ordinance. Town Planner Mylroie responded that it was in the interest of safety to put one in. Councilor Dennett stated that he had a problem with this as he thought that Manson was a superior street and this would impede traffic and that he would like to offer an amendment to the main motion. Councilor Spiller stated she had a problem with the parking restrictions at Wallingford Square as she thought this was a Planning Board matter and did not think Council should be discussing it. She continued she did not support this and would like to strike it from the main motion.

UNAPPROVED MINUTES

62 **COUNCILOR SPILLER MOVED TO AMEND THE MOTION TO STRIKE**
63 **SECTION 10.3.1.5 G AND THAT LINES 170 & 171 SHOULD BE PARTIALLY**
64 **DELETED, SECONDED BY COUNCILOR PELLETIER.**

65 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR WHITE OPPOSED.**
66 **MOTION PASSES 6/1.**

67 **COUNCILOR DENNETT MOVED TO POSTPONE ACTION ON THIS ITEM**
68 **UNTIL DECEMBER 9, 2013, SECONDED BY COUNCILOR DENAULT.**

69 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
70 **7/0.**

71 12. DISCUSSION

72 a. Discussion by members of the public (three minutes per person) –

73 Bob Harris came to the podium and stated that he wanted to thank all of the citizens who
74 went out and voted.

75 David Lincoln came to the podium and stated that there had been many successful citizen
76 initiatives in town that have lead to progress. He continued that he hoped the unsightly
77 properties in town would continue to be demolished. Mr. Lincoln stated there were 22 boards
78 and committees in town and the town website only recognized 8, of which only 7 had duties and
79 responsibilities listed, and only four had agendas and minutes. He continued that no one in town
80 could find out what was going on with any of these particular groups unless they went to a
81 meeting. Mr. Lincoln indicated he would like to see the way that boards and committees are
82 handled restructured.

83 Gary Beers came to the podium and sated relative to the BIG project that it had been
84 brought up in 2009 and the monies were in a designated reserve account and no more monies
85 were needed. He continued an MOU was signed in July of 2011 and denial today would likely
86 default the signed contract and the town would lose the SHIP grant at Traip and possibly the
87 \$500,000 grant for the Fort Foster pier project. Mr. Beers stated he saw the pier project as a
88 positive for the town and urged Council for approval.

89 John Carson came to the podium and indicated that he was in favor of the BIG project
90 and the improvements to Pepperrell Cove would reduce the repair and replacement funds. He
91 continued that he thought it would have nothing but a good effect on the town and that anything
92 that improved the waterfront and attracted the maritime community was good.

93 b. Chairperson's response to public –

UNAPPROVED MINUTES

Chairperson Thomson responded to Mr. Lincoln that he would assure that one of the charges of the new town manager would be to manage some of the issues regarding the boards and committees in town.

Councilor Thomson thanked Mr. Beers and Mr. Carson for their input on the BIG project.

13. UNFINISHED BUSINESS –

a. The Kittery Town Council moves to consider approving the boating infrastructure grant (BIG) and award the construction bid including local Town of Kittery matching funds.

COUNCILOR SPILLER MOVED TO APPROVE THE BOATING INFRASTRUCTURE GRANT (BIG) AND AWARD THE CONSTRUCTION BID INCLUDING LOCAL TOWN OF KITTERY MATCHING FUNDS, SECONDED BY COUNCILOR WHITE.

Councilor Dennett asked if the pump-out facilities were included in the BIG grant. KPA Chairperson Melanson responded that they were not currently.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

14. NEW BUSINESS

a. Donations/gifts received for Council disposition – None

b. (110213-1) The Kittery Town Council moves to adopt its current rules for the ensuing year.

COUNCILOR DENNETT MOVED TO ADOPT COUNCIL'S CURRENT RULES FOR THE ENSUING YEAR WITH A LAST AMENDED DATE OF MARCH 25, 2013, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN ON THE MOTION WITH ALL IN FAVOR. MOTION PASSES 7/0.

c. (110213-2) The Kittery Town Council moves to appoint Council members to on-going, Standing, Ad hoc and Council Committees.

CIP Committee – Councilor Denault

Comprehensive Plan Update Committee – Councilor White

Economic Development Committee – Councilors Denault and Thomson

Eliot Sewer Committee – Gary Beers

Kittery Community Center – Chairperson Thomson

Mary Safford Wildes Trust – Chairperson Thomson

UNAPPROVED MINUTES

Open Space Advisory Committee – Councilor White
Recycling Scholarship Committee – Councilor Denault
Safford School Preservation Committee – Councilor Spiller
Shared Services Committee – Councilors Denault and Spiller
Thresher Memorial Committee – Gary Beers
Warrant Review for Municipal Expenses – Councilors Dennett, Brake and Pelletier
Warrant Review for Employee Wages and Benefits – Councilors Brake, Thomson and White
Warrant Review for School Expenses – Councilors Thomson, Brake and Spiller
Wood Island Preservation Committee – Councilors Spiller and Pelletier

COUNCILOR DENNETT MOVED TO APPOINT COUNCIL MEMBERS TO ON-GOING STANDING, AD HOC AND COUNCIL COMMITTEES AS PRESENTED, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.

d. (110213-3) The Kittery Town Council moves to approve the disbursement warrants.

COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.

e. (110213-4) The Kittery Town Council moves to authorize the Town Manager to close departments with the exception of essential personnel, the day after Thanksgiving, November 29th, a half day on Christmas Eve, December 24th, and at 3:00 P.M. on New Year's Eve, December 31st, with the understanding that employees will use their personal accumulated time.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE TOWN MANAGER TO CLOSE DEPARTMENTS WITH THE EXCEPTION OF ESSENTIAL PERSONNEL, THE DAY AFTER THANKSGIVING, NOVEMBER 29TH, A HALF DAY ON CHRISTMAS EVE, DECEMBER 24TH, AND AT 3 PM ON NEW YEAR'S EVE, DECEMBER 31ST, WITH THE UNDERSTANDING THAT EMPLOYEES WILL USE THEIR PERSON ACCUMULATED TIME, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

f. (110213-5) The Kittery Town Council moves to approve and sign the policy on Treasurer's Disbursement Warrants for Employee Wages and Benefits, to expire on November 30, 2014 and designate three Councilors, _____, _____, and _____ who may review, approve and sign such warrants.

COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE POLICY ON TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND BENEFITS, TO EXPIRE ON NOVEMBER 30, 2014 AND DESIGNATE THREE COUNCILORS, BRAKE, THOMSON AND WHITE WHO MAY REVIEW, APPROVE

UNAPPROVED MINUTES

164 **AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR BRAKE WITH ALL IN**
165 **FAVOR.**

166 g. (110213-6) The Kittery Town Council moves to approve and sign the policy on
167 Treasurer's Disbursement Warrants for Municipal Expenses to expire on November 30, 2014
168 and designate three Councilors, _____, _____, and _____
169 _____, who may review, approve and sign such warrants.

170 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE POLICY ON**
171 **TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL EXPENSES TO**
172 **EXPIRE ON NOVEMBER 30, 2014 AND DESIGNATE THREE COUNCILORS,**
173 **DENNETT, BRAKE AND PELLETIER, WHO MAY REVIEW, APPROVE AND SIGN**
174 **SUCH WARRANTS, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

175 h. (110213-7) The Kittery Town Council moves to approve and sign the School
176 Department policy on General Disbursement Warrants for Educational Expenses to expire on
177 November 30, 2014 and designate three Councilors, _____, _____
178 and _____, who may review, approve and sign such warrants.

179 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE SCHOOL**
180 **DEPARTMENT POLICY ON GENERAL DISBURSEMENT WARRANTS FOR**
181 **EDUCATIONAL EXPENSES TO EXPIRE ON NOVEMBER 30, 2014 AND DESIGNATE**
182 **THREE COUNCILORS, THOMSON, BRAKE AND SPILLER, WHO MAY REVIEW,**
183 **APPROVE AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR BRAKE**
184 **WITH ALL IN FAVOR.**

185 i. (110213-8) The Kittery Town Council moves to approve and sign the School
186 Department policy on Disbursement Warrants for School Employee Wages and Benefits to
187 expire on November 30, 2014.

188 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE SCHOOL**
189 **DEPARTMENT POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL**
190 **EMPLOYEE WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2014,**
191 **SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

192 j. (110213-9) The Kittery Town Council moves to schedule a public hearing on
193 amendments to Title 16, 16.10.9.1.4 Approved Plan Expiration and 16.5.2.4, Permit Period.

194 **COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING ON**
195 **AMENDMENTS TO TITLE 16, 16.10.9.1.4 APPROVED PLAN EXPIRATION AND**
196 **16.5.2.4, PERMIT PERIOD ON DECEMBER 9TH, SECONDED BY COUNCILOR**
197 **BRAKE WITH ALL IN FAVOR.**

UNAPPROVED MINUTES

198 k. (110213-10) The Kittery Town Council moves to schedule a public hearing on
199 amendments to Title 16, Chapter 16.11, Marine-Related Development, 16.11.1 Authority and
200 Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

201 **COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING ON**
202 **AMENDMENTS TO TITLE 16, CHAPTER 16.11, MARINE-RELATED**
203 **DEVELOPMENT, 16.11.1 AUTHORITY AND SCOPE, 16.11.2, APPLICATION AND**
204 **16.11.3, SHOREFRONT DEVELOPMENT PLAN REVIEW ON DECEMBER 9TH,**
205 **SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.**

206 m. (110213-11) The Kittery Town Council moves to appoint a representative to meet
207 with the Chair of the Parks Commission and Tom Hibsichman, who is moving from an associate
208 member to a full membership until May 3, 2015 (replacing MJ Blanchette).

209 Councilor Dennett stated he would like this item to be held over to figure out
210 membership issues until December 9th.

211 15. COUNCILOR ISSUES OR COMMENT

212 Councilor Brake indicated that there was one dangerous building left in town and wanted
213 to know what was going to be done about it and possibly get a proposal on how much it would
214 cost the town to demolish it.

215 Councilor Spiller indicated that she would like to schedule a goal setting session for
216 sometime in January.

217 Councilor Spiller stated she wanted to thank the public safety officials for their great
218 work during the wind storm the previous weekend.

219 Councilor Denault noted that he would like to establish a committee relative to Channel
220 22 to get it moving forward and would like to include one or two students on the committee.

221 Councilor Denault stated there were various remote installation locations around town
222 and would like to know which ones had not been completed. He continued there was a contract
223 in place with Comcast and it needed to be rectified.

224 Chairperson Thomson noted there were two signs in the Foreside which were rusted
225 badly and needed to come down and the street light in front of the Corner Pub needed to be
226 replaced.

227 16. COMMITTEE AND OTHER REPORTS

228 a. Communications from the Chairperson –

UNAPPROVED MINUTES

229 Chairperson Thomson indicated Council would be holding a listening session on January
230 6th at 7 PM with businesses and residents regarding a plan to start giving people a reason to come
231 to Kittery over the new bridge. Councilor Spiller stated she thought the Planning Board should
232 also attend.

233 Chairperson Thomson noted they would schedule a goal setting workshop on January 6th
234 at 6 PM.

235 b. Town Manager's Report –

236 Town Manager Puff indicated relative to the John Paul Jones Park, that she had contacted
237 the state and they were interested in reviving the conversation.

238 Town Manager Puff stated relative to the truck route down Rogers Road, that the town
239 could not restrict the traffic but could petition to limit the traffic on the road. She continued that
240 the Navy Yard directed trucks to go down Route 1 to Walker. Town Manager Puff indicated that
241 the Yard was willing to talk to the town as there was some disagreement on which route the
242 trucks should use and that there were pros and cons to each route.

243 Town Manager Puff stated relative Mr. Harris's recent question regarding taxes at
244 Rustlewood Farm, and noted that there was no change in valuation.

245 Town Manager Puff noted that she wanted to schedule an executive session regarding
246 union negotiations.

247 Town Manager Puff thanked Council and the community for a warm welcome to town.

248 Town Manager Puff indicated that there were ongoing talks relative to regional efforts
249 and that Eliot had reached out to Kittery regarding possibly sharing a CEO.

250 Town Manager Puff stated that the public safety officials had done an excellent job
251 during the storm the previous weekend.

252 c. Committee Reports –

253 Councilor Thomson stated the KCC was working on a strategic plan and would have a
254 report to Council soon.

255 17. EXECUTIVE SESSION – None

256 18. ADJOURNMENT

257 **COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR**
258 **DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:43 P.M.**

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

December 9, 2013

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Frank Dennett, Russell White, Charles Denault and Jeffrey Brake.

5. Agenda Amendment and Adoption –

Chairperson Thomson indicated that item 10(a) should be moved to Unfinished Business to become 12(a) and change 12(a) to 12 (b).

The agenda was accepted as amended.

6. Reserved

7. Acceptance of Previous Minutes – 10/16/13, 11/13/13 & 11/25/13

The minutes of 10/16/13 and 11/13/13 were approved as amended. The minutes of 11/25/13 were held in abeyance pending clarity.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials –

The Kittery Town Council moves to endorse the Stormwater Program Management Plan for York County MS4 Permits.

Town Manager Puff stated that Council had wanted to review this plan and she recommended approving it and authorize her to sign the plan for submittal on December 20, 2013.

UNAPPROVED MINUTES

28 Councilor Dennett indicated that he could not endorse the plan because he did not
29 understand it.

30 **CHAIRPERSON THOMSON MOVED TO ENDORSE THE PLAN AND**
31 **ENDORSE THE SIGNATURE OF THE TOWN MANAGER, SECONDED BY**
32 **COUNCILOR WHITE.**

33 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
34 **ABSTAINED. MOTION PASSES 4/0/1.**

35 10. PUBLIC HEARINGS -

36 b. (120113-1) The Kittery Town Council moves to hold a public hearing on the
37 application from The Ares, LLC, 68 Wallingford Square, for a Victualer's License for AJ's
38 Wood Grill Pizza, 68 Wallingford Square, Kittery.

39 Chairperson Thomson stated this public hearing was advertised in the local printed media
40 on December 2, 2013. Chairperson Thomson then opened the public hearing and no response
41 being heard, closed the public hearing.

42 **COUNCILOR DENNETT MOVED TO APPROVE THE APPLICATION FROM**
43 **THE ARES, LLC, 68 WALLINGFORD SQUARE, FOR A VICTUALER'S LICENSE**
44 **FOR AJ'S WOOD GRILL PIZZA, 68 WALLINGFORD SQUARE, KITTERY,**
45 **SECONDED BY COUNCILOR WHITE.**

46 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
47 **5/0.**

48 c. (120113-2) The Kittery Town Council moves to hold a public hearing on, and hereby
49 ordains amendments to Title 16, 16.10.9.1.4, Approved Plan Expiration and 16.5.2.4, Permit
50 Period.

51 Chairperson Thomson stated this public hearing was advertised in the local printed media
52 on December 2, 2013.

53 Town Planner Mylroie stated these were recommendations made by the Planning Board
54 to reduce the amount of time for a subdivision plan and permit period.

55 Chairperson Thomson then opened the public hearing and no response being heard,
56 closed the public hearing.

57 **CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL**
58 **HEREBY ORDAINS AMENDMENTS TO TITLE 16, 16.10.9.1.4, APPROVED PLAN**

UNAPPROVED MINUTES

EXPIRATIONS AND 16.5.2.4, PERMIT PERIOD, AS PRESENTED, SECONDED BY COUNCILOR WHITE.

Councilor Dennett stated he had a problem with some of the wording in the document which he would like to see changed.

CHAIRPERSON THOMSON MOVED TO POSTPONE ACTION UNTIL THE MEETING OF DECEMBER 23RD, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

d. (120113-3) The Kittery Town Council moves to hold a public hearing on, and hereby ordains amendments to Title 16.11, Marine Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

Chairperson Thomson stated this public hearing was advertised in the local printed media on December 2, 2013.

Bob Melanson, Chair of the KPA, came to the podium and stated that there was currently an ordinance that required that all permits be in hand in order for the KPA to entertain an application. He continued this change would allow permitting activities concurrently.

Chairperson Thomson then opened the public hearing.

Milton Hall came to the podium and stated that there were three public hearings on this matter and asked who was paying for all of them.

Chairperson Thomson then closed the public hearing.

Councilor Dennett indicated that he had issues with the ordinance and that it needed to be postponed pending revisions.

CHAIRPERSON THOMSON MOVED THE ITEM AS PRESENTED, SECONDED BY COUNCILOR WHITE.

COUNCILOR THOMSON MOVED TO POSTPONE ACTION ON THIS ITEM UNTIL THE MEETING SCHEDULED FOR DECEMBER 23, 2013, SECONDED BY COUNCILOR DENNETT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

11. DISCUSSION

UNAPPROVED MINUTES

89 a. Discussion by members of the public (three minutes per person) – None

90 b. Chairperson's response to public - None

91 12. UNFINISHED BUSINESS –

92 a. (110113-1) The Kittery Town Council moves to continue the public hearing on
93 amendments to the Kittery Town Code, Title 10, Chapter 10.1, Rules of the Road, 10.1.9, Traffic
94 Restrictions – Trucks, Buses and Tractor-Trailer Vehicles, 10.2, Stop Intersections Designated,
95 10.2.2.1 – on Public Ways, and 10.3, Stopping, Standing and Parking, 10.3.1, General Parking
96 regulations, 10.3.1.1, Prohibited at All Times, and 10.3.1.5, Time Period Restrictions.

97 Chairperson Thomson indicated there had been a workshop on this issue prior to the
98 Council meeting and there was a consensus that more work needed to be done before any action
99 could be taken.

100 **COUNCILOR DENNETT MOVED TO POSTPONE ACTION INDEFINITELY,**
101 **SECONDED BY COUNCILOR THOMSON FOR DISCUSSION.**

102 Councilor White indicated that he would like to see this item postponed to a specific date
103 as he did not want to see it fall off the map. Chairperson Thomson responded that he thought it
104 would be addressed in a timely manner.

105 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
106 **5/0.**

107 b. (110213-12) The Kittery Town Council moves to appoint a representative to meet
108 with the Chair of the Parks Commission to interview Tom Hibschan for his appointment to the
109 Parks Commission, as a full member (moving from associate) until May 3, 2015 (filling the term
110 of MJ Blanchette).

111 **COUNCILOR DENNETT MOVED TO WAIVE COUNCIL RULES AND**
112 **APPOINT TOM HIBSCHMAN TO THE PARKS COMMISSION, AS A FULL**
113 **MEMBER, UNTIL MAY 3, 2015, SECONDED BY COUNCILOR BRAKE.**

114 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
115 **5/0.**

116 13. NEW BUSINESS

117 a. Donations/gift received for Council disposition – None

118 b. (120113-4) The Kittery Town Council moves to approve the disbursement warrants.

UNAPPROVED MINUTES

119 **COUNCILOR DENNETT MOVED TO APPROVE THE DISBURSEMENT**
120 **WARRANTS, SECONDED BY COUNCILOR DENAULT.**

121 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
122 **5/0.**

123 c. (120113-5) The Kittery Town Council moves to approve the application from The
124 Ares, LLC, 68 Wallingford Square, for a Malt and Vinous Liquor License for AJ's Wood Grill
125 Pizza, 68 Wallingford Square, Kittery.

126 **COUNCILOR DENNETT MOVED TO APPROVE THE APPLICATION FROM**
127 **THE ARES, LLC, 68 WALLINGFORD SQUARE, FOR A MALT AND VINOUS**
128 **LIQUOR LICENSE FOR AJ'S WOOD GRILL PIZZA, 68 WALLINGFORD SQUARE,**
129 **SECONDED BY COUNCILOR BRAKE.**

130 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
131 **5/0.**

132 d. (120113-6) The Kittery Town Council moves to schedule a public hearing on the
133 request of Superintendent of Sewers Services for the Manager to enter into an agreement for a
134 four-year contract to obtain a cost savings for the IDEXX Quanti-Tray sealer for the Sewer
135 Department.

136 **CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING**
137 **ON THE REQUEST OF SUPERINTENDENT OF SEWERS SERVICES FOR THE**
138 **MANAGER TO ENTER INTO AN AGREEMENT FOR A FOUR-YEAR CONTRACT**
139 **TO OBTAIN A COST SAVINGS FOR THE IDEXX QUANTI-TRAY SEALER FOR THE**
140 **SEWER DEPARTMENT ON DECEMBER 23, 2013, SECONDED BY COUNCILOR**
141 **BRAKE.**

142 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
143 **5/0.**

144 e. (120113-7) The Kittery Town Council moves to schedule a public hearing on
145 proposed amendments to the Kittery Town Code, Title 13, Chapters 13.1, Sewer System Service
146 and 13.2, Sewer Impact Fee.

147 **COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON**
148 **PROPOSED AMENDMENTS TO THE KITTERY TOWN CODE, TITLE 13,**
149 **CHAPTERS 13.1, SEWER SYSTEM SERVICE AND 13.2 SEWER IMPACT FEE ON**
150 **DECEMBER 23, 2013, SECONDED BY COUNCILOR DENNETT.**

UNAPPROVED MINUTES

151 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
152 **5/0.**

153 f. (120133-8) The Kittery Town Council moves to confirm the Town's vote to adopt the
154 Retirement Plan for the State of Maine for the regular employees of the Town of Kittery and to
155 join the Town with State Employees Retirement as a participating local district under Chapter
156 60, Section 15, of the 1944 Revised Statutes of Maine intended to exclude employees who work
157 less than thirty (30) hours per week from eligibility.

158 **COUNCILOR DENNETT MOVED TO CONFIRM THE TOWN'S VOTE TO**
159 **ADOPT THE RETIREMENT PLAN FOR THE STATE OF MAINE FOR THE**
160 **REGULAR EMPLOYEES OF THE TOWN OF KITTERY AND TO JOIN THE TOWN**
161 **WITH STATE EMPLOYEES RETIREMENT AS A PARTICIPATING LOCAL**
162 **DISTRICT UNDER CHAPTER 60, SECTION 15, OF THE 1944 REVISED STATUTES**
163 **OF MAINE INTENDED TO EXCLUDE EMPLOYEES WHO WORK LESS THAN**
164 **THIRTY (30) HOURS PER WEEK FROM ELIGIBILITY, SECONDED BY**
165 **COUNCILOR DENAULT.**

166 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
167 **5/0.**

168 g. (120113-9) The Kittery Town Council moves to appoint a representative to meet with
169 the Chair of the Recycling Committee to interview David Evans for his re-appointment to that
170 Board until 2/8/16.

171 Councilor Denault stated that he thought that the name of the Committee had been
172 changed in past years.

173 **COUNCILOR DENNETT MOVED TO WAIVE COUNCIL RULES AND**
174 **REAPPOINT DAVID EVANS TO THE RECYCLING COMMITTEE, OR SUCCESSOR**
175 **COMMITTEE, UNTIL 2/8/16, SECONDED BY COUNCILOR BRAKE.**

176 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
177 **5/0.**

178 14. **COUNCILOR ISSUES OR COMMENT**

179 Councilor Denault stated that he would like to receive a bi-weekly update on the BIG
180 project.

181 Councilor Denault indicated that he would like to work on a report to new ORC's charge.

182 Councilor White stated he was happy to see that the Council packet was now available
183 online.

UNAPPROVED MINUTES

184 15. COMMITTEE AND OTHER REPORTS

185 a. Communications from the Chairperson –

186 Chairperson Thomson stated that the School Committee desired to meet with a group of
187 Councilors to discuss the parameters for the FY '15 school budget and they would be holding a
188 workshop on December 17 at 6:00 P.M. for Councilors that wanted to attend.

189 Chairperson Thomson stated they would be holding a workshop on 12/23 at 6:15 to
190 discuss the parameters for the FY '15 municipal budget.

191 Councilor Thomson noted there were issues with three outstanding board appointments
192 that Council needed to take care of. He continued there was one from Peter Thomas to the Open
193 Space Advisory Committee, one from Kenneth Linscott to the Personnel Board and one from
194 David Lincoln to the Parks Commission.

195 **COUNCILOR DENNETT MOVED TO WAIVE COUNCIL RULES AND**
196 **REAPPOINT PETER THOMSON TO THE OPEN SPACE ADVISORY COMMITTEE**
197 **FOR A TERM TO BE IDENTIFIED BY THE TOWN CLERK, SECONDED BY**
198 **COUNCILOR BRAKE.**

199 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
200 **5/0.**

201 Councilor Thomson indicated that Mr. Linscott was the only remaining member on the
202 Personnel Board and as there was now a human resources manager for the town and school,
203 asked what role the Personnel Board played but noted that it was required by Charter. Councilor
204 Dennett stated they should check with the Town Attorney. Chairperson Thomson noted that Mr.
205 Lincoln's application was missing and they would deal with that issue in the future.

206 b. Town Manager's Report –

207 Town Manager Puff stated relative to the John Paul Jones Park, that the State was willing
208 to transfer management of the park to the town. She continued that transferring ownership was a
209 different process and asked if that was something that Council would be interested in doing.
210 Chairperson Thomson and Councilor White both stated they were interested in owning the park.
211 Councilor Dennett indicated he would like to see written documents for both cases.

212 Town Manager Puff stated that she had spoken with Mr. Sowerby the owner of the
213 abandoned nursing home on Route 1, who indicated he thought he was going to be able to
214 demolish the building by spring and had offered to install a fence around the property in the
215 meantime to prevent entry into the building.

UNAPPROVED MINUTES

216 Town Manager Puff indicated that she would be advertising for the Commissioner of
217 Public Works job immediately.

218 c. Committee Reports – None

219 16. EXECUTIVE SESSION – None

220 17. ADJOURNMENT

221 **COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR**
222 **WHITE WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:41 P.M.**

223

December 23, 2013

**KITTERY TOWN COUNCIL
REGULAR COUNCIL MEETING
UNAPPROVED MINUTES**

Council Chamber

1. CALL TO ORDER: The meeting was called to order at 7:00 p.m. by Chairperson Thomson.

2. INTRODUCTORY: Chairperson Thomson read the introductory.

3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.

4. ROLL CALL: Answering the roll were Councilors Dennett, Denault, Pelletier, White, Brake and Chairperson Thomson. Councilor Spiller was absent.

5. AGENDA AMENDMENT & ADOPTION:

Councilor White said the Brownfields application process is underway regarding Wood Island which is being prepared by Manson Engineering and as part of the process a public hearing is required on the application. He said the application deadline, as he understands, is January 22nd so that only gives Council the January 13th meeting. Councilor White said that Council will have a final version of the application at that point and a draft will be provided beforehand for them to look at. As he understands, the process is pro forma, but the public hearing is required and he would like to add an item under New Business.

Chairperson Thomson declared the agenda amended, and adopted, adding item 13-p under "New Business" to schedule a public hearing for January 13th on the Brownfields application for Wood Island.

6-9. Chairperson Thomson said there was no Executive Session, no minutes before them, nor were there any interviews or any items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

10. PUBLIC HEARINGS:

Chairperson Thomson said the notification appeared in the newspaper for the public hearings.

a. (120213-1) The Kittery Town Council moves to hold a public hearing on the request of the Supt. of Sewer Services for the Manager to enter into an agreement for a four-year contract to obtain a cost savings for the IDEXX Quanti-Tray sealer for the Sewer Department.

Chairperson Thomson addressed George Kathios, Superintendent, and asked if he could educate the Council on this piece of equipment.

Mr. Kathios said that it is used to seal samples, which is a DOT mandatory requirement that they perform the tests three times a week between May 15th and October 31st. He said that IDEXX Laboratories Inc. is the only company that can replace the unit within 24 hours. He said it is \$750 for four years coverage, guaranteed.

Chairperson Thomson opened the public hearing and asked if anyone wished to speak to, for or against this item, and hearing none, closed the public hearing.

Councilor Dennett noted that instead of "Manager" it should read "Purchasing Agent."

Chairperson Thomson asked if Council had any questions or wished to discuss.

Councilor Dennett had one question for Mr. Kathios, that is, if the piece of equipment covers the price purchased, what would the company do, would they (the Sewer Department) get a new one or replace it with a loaner. Mr. Kathios replied they would have the repairs done.

Councilor Dennett asked what is the \$1400? Mr. Kathios replied it is the cost we have to pay for the company to bring the loaner to us. Councilor Dennett asked if we would have it repaired and Mr. Kathios replied yes, however, when the existing loaner is replaced, it is \$1400. Mr. Kathios said that is what they would have to pay, so if it happened 10 times, it would be \$1400 ten times. Councilor Dennett said plus the \$750. Mr. Kathios said it would be \$750 for four years.

Mr. Kathios said that is all they would have to pay. Councilor Dennett wanted to know that the Sewer Department is not buying the piece of equipment, but that the company would take care of it for four years. Mr. Kathios replied that is correct.

Chairperson Thomson asked if there were any more questions, and if not, he would entertain a motion.

COUNCILOR DENAULT MOVED THAT THE PURCHASING AGENT ENTER INTO AN AGREEMENT FOR A FOUR-YEAR CONTRACT TO OBTAIN A COST SAVINGS OF \$750 FOR THE IDXX QUANTI-TRAY SEALER FOR THE SEWER DEPARTMENT, SECONDED BY COUNCILOR WHITE. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED 6-0.

b. (120213-2) The Kittery Town Council moves to hold a public hearing on proposed amendments to the Kittery Town Code, Title 13, Chapters 13.1, Sewer System Service and 13.2 Sewer Impact Fee.

Chairperson Thomson asked George Kathios if he wished to comment on this item.

Mr. Kathios explained that these are technical errors that former Councilor Gary Beers is trying to correct as a result of when Mr. Beers had submitted the modifications to the code. He said he got in touch with Mr. Beers last week, and the information is explained in the Council's packets.

Chairperson Thomson said it appears it is correcting sub sections under Title 13, so that "a" or "c" becomes the appropriate item.

Chairperson Thomson opened the public hearing and asked if anyone wished to speak to, for or against the item, and hearing none, closed the public hearing.

Chairperson Thomson asked Council if they had any questions. Councilor Dennett asked who was introducing this item, and that he would be pleased to do so.

Councilor Dennett said these are minor errors that were corrected and need to be enacted. He explained that the recodification was a massive piece of work and some enumeration of the chapters were changed, but there are no changes in the language.

Councilor Dennett said that during the process of contract negotiations with the Town of Eliot {for the inter-municipality agreement} these errors were discovered by the Eliot Board of Selectman, Jack Murphy, and he thanked him for his diligence.

COUNCILOR DENNETT MOVED THAT COUNCIL ORDAIN THE AMENDMENTS TO THE KITTERY TOWN CODE, TITLE 13, CHAPTERS 13.1 SEWER SYSTEM SERVICE AND 13.2, SEWER IMPACT FEE AS PRESENTED AND ANNOTATED, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 6-0.

c. (120213-3) The Kittery Town Council moves to hold a public hearing on the application from Hobie's Grill, LLC, 34 Pinewood Drive, Stratham, NH for a Victualer's License for Hobie's Grill, Super Shoes, U.S. Route One, Kittery.

Chairperson Thomson asked if any one was here representing Hobie's Grill?

Chairperson Thomson opened the public hearing and asked if anyone wished to speak to, for or against the application. Hearing none, he closed the public hearing and asked if Council wanted to discuss this item.

COUNCILOR WHITE MOVED TO APPROVE THE APPLICATION, SECONDED BY COUNCILOR DENAULT FOR DISCUSSION.

Councilor Dennett said there is no real discussion as there is no one here to promote this issue. He said he does not know if this is located within the Super Shoes building, and he presumed it is an outdoor enterprise. He said if so, he did not see any documentation from the owner, granting permission for this establishment to be at the Super Shoes location.

Chairperson Thomson said he had a question on the amount of money paid as the first time fee is \$50. He said this is not a renewal application and the other Councilors concurred. He said that it appears the applicant only paid \$20, which is what is indicated on the form.

Councilor Dennett felt that in view of the questions, this item should be postponed to the next meeting.

COUNCILOR DENNETT MOVED THAT APPROVAL OF THE APPLICATION FROM HOBIE'S GRILL LLC BE POSTPONED UNTIL THE JANUARY 13TH MEETING TO ENABLE STAFF TO GET ANSWERS AND PERHAPS MORE MONEY FOR THE LICENSE FEE, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN ON AND MOTION PASSED, 6-0.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person): Chairperson Thomson opened the public comment portion of the meeting and reminded everyone to try to stay within three minutes.

Bob Harris wanted to comment first about the budget workshop and that one and half percent has already been spent. He said fixed costs comes up every year, it is part of the budget and anything can be cut – there is no such thing as "fixed cost."

Mr. Harris stated that no one is on the Personnel Board, and that he was on it quite a few years ago. He said that not much is happening now, but at that time, there were only three members and they had a lot to do. He said the Board worked with the Town Manager to have a wage study done, acted as a grievance board for non-union employees, did a re-classification of positions, which outlined the duties and authority of those people in their positions, determined the fitness of candidates for jobs, advised on the removal of employees and hours of work.

Mr. Harris said he applied for that today and that the Board was set up for at least five members. He said it is not one person dictating what should be done, but a group of people coming together. Mr. Harris felt it was important that the town keep the Personnel Board.

Mr. Harris thought there were a lot of issues with the Code Enforcement Officer and it seems to him that a person has to hire a lawyer first thing when they want to build a house. He said he has gotten a lot of complaints about the CEO setting up rules and thought something needed to be done about that, even if it means removing someone.

Pierre Puffer addressed Council and stated that he is very upset with the CEO and the way, he feels, she is "jerking his chain." He said he asked for an auto repair shop and inspection station, where he would also sell used automobiles, but this is what he got (showed Council his permit), "auto repair."

Mr. Puffer said he had everything in order for the permit, and if he looks across the street, he can see a new facility selling used vehicles. He said he has put his heart and soul into this and he is going broke. He showed photographs to the Council and stated "this is what it used to look like."

Mr. Puffer said he can't get anywhere with the CEO. He said he asked Heather, when she came down, if everything is in order and he was ADA compliant and she said he was. He said he wanted to make sure before he started cutting the sheetrock for his new bathroom. Mr. Puffer said that he found out he is not ADA compliant and that the doorframe is eight inches short.

Mr. Puffer asked if he could please get help and move along with his permit and bath. He said he has had to put in a new heating system and new walls and he is spending his son's inheritance on this building.

Chairperson's response to public comments:

Chairperson Thomson thanked Mr. Harris for his comments on the budget workshop they held this evening and said they would endeavor to incorporate his concerns in working through the budget process. He said in regard to the Personnel Board, there has been an issue with vacancies, and recently, the Municipal and School departments hired an individual to share the responsibilities of Human Resources issues and personnel matters, to deal with the complexities of that subject matter.

Chairperson Thomson said he has asked the Town Manager to request the Town Attorney for his input and opinion as to the role of the Personnel Board, given that the Board is in the charter and the Code and how they can continue with their role, given the fact that the position's duties are now part of the town staff.

Chairperson Thomson advised Mr. Puffer that the Council is not involved in administrative matters, but the Town Manager is here, and she has noted what has been brought up tonight. He suggested that Mr. Puffer contact the Town Manager, who can review this information and she will be able to recommend what can be done.

12. UNFINISHED BUSINESS:

a. (120113-2) The Kittery Town Council moves to approve, and hereby ordains, amendments to Title 16. 16.10.9.1.4, approved Plan Expiration and 16.5.2.4 Permit Period.

Chairperson Thomson said that the information is not available and the Town Manager is requesting this item, and the next, be postponed until the January 13th meeting.

CHAIRPERSON THOMSON MOVED THIS ITEM BE POSTPONED TO THE JANUARY 13TH MEETING, SECONDED BY COUNCILOR DENNETT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6-0.

b. (120113-3) The Kittery Town Council moves to approve, and hereby ordains, amendments to Title 16, Chapter 16.11, Marine-Related Development, 16.11.1 Authority and Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

CHAIRPERSON THOMSON MOVED THIS ITEM BE POSTPONED TO THE JANUARY 13TH MEETING, SECONDED BY COUNCILOR DENNETT. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6-0.

13. NEW BUSINESS:

a. Donations/gifts received for Council disposition:

(120213-4) The Kittery Town Council moves to accept a cash donation from the "Scentsy" fundraiser in the amount of \$100.00 for the Kittery Recreation Department, to be deposited in Acct. #2063-43600, Kittery Community Center.

CHAIRPERSON THOMSON MOVED THE ITEM, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 6-0.

b. (120213-5) The Kittery Town Council moves to approve the disbursement warrants.

Chairperson Thomson read the amounts; for the town: \$294,049.74, \$24,234.00, and \$601.88; Sewer Dept., \$20,963.81 and School, \$126,240.36, for a total of \$466,189.79 and asked if Councilor Dennett found them to be in order, which he so stated. There was no discussion.

COUNCILOR DENNETT MOVED TO APPROVE THE DISBURSEMENT WARRANTS AS STATED, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 6-0.

c. (120213-6) The Kittery Town Council moves to approve the renewal application from Weathervane Seafoods, 31 Badger's Island West, Kittery for a Malt, Spirituous and Vinous Liquor License for Weathervane Seafoods, 306 Route One, Kittery.

Chairperson Thomson said that the CEO has inspected the premises and the establishment is in compliance.

COUNCILOR DENNETT MOVED TO APPROVE THE RENEWAL APPLICATION FROM WEATHERVANE SEAFOODS FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WEATHERVANE SEAFOODS, 306 ROUTE ONE, KITTERY, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED 6-0.

d. (120213-7) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Parks Commission to interview David Lincoln for his appointment to that board as a full member until May 3, 2014 (replacing Alan McDonald).

Chairperson Thomson said it appears the application has been pending since June and asked if Council would like to waive the rules at this time and appoint Mr. Lincoln.

254 Councilor Dennett said that they cannot suspend the rules because it is no longer in the rules when
 255 they did the new codification.

256
 257 **COUNCILOR DENNETT MOVED THAT COUNCILOR DENAULT BE APPOINTED AS**
 258 **REPRESENTATIVE TO MEET WITH THE CHAIR OF THE PARKS COMMISSION TO INTERVIEW**
 259 **DAVID LINCOLN FOR HIS APPOINTMENT TO THAT BOARD, SECONDED BY COUNCILOR**
 260 **BRAKE. ALL WERE IN FAVOR BY A VOICE VOTE AND MOTION PASSED, 6-0.**

261
 262 e. (120213-8) The Kittery Town Council moves to extend the term of the Economic Development
 263 Committee until December 31, 2015.

264
 265 Chairperson Thomson said that Council has a copy of the most recent charge in their packets and the
 266 term will expire on December 31st unless they extend the term for two more years.

267
 268 **COUNCILOR PELLETIER MOVED THE TERM OF THE ECONOMIC DEVELOPMENT COMMISSION**
 269 **BE EXTENDED UNTIL DECEMBER 31, 2015, SECONDED BY COUNCILOR DENAULT FOR**
 270 **DISCUSSION.**

271
 272 Councilor Dennett said he was opposed to the extension because the charge calls for 11 members and
 273 they have only six, three of whose terms will expire in eight more days. He said one of the points of the
 274 charge is that they submit a periodic progress report to Council on a quarterly basis and he does not
 275 know what has been done as he has not seen a progress report.

276
 277 Councilor Dennett said that two Councilors were appointed at the last meeting, and one is on as a
 278 citizen, Russell White. He asked if they are just a happy group or have they done something.

279
 280 Councilor White said he is on the Comprehensive Plan Update Committee, not the Economic
 281 Development Committee.

282
 283 Councilor Dennett said that according to the recent list he got from the Town Clerk, Councilor White
 284 was appointed on 06/25/2012.

285
 286 Councilor White said the work of the Economic Development Committee doesn't involve him and he
 287 has been diligent with the Comprehensive Plan Update Committee. He suggested, if Council has time,
 288 that they schedule a workshop with the Economic Development Committee to review their history and
 289 look at their charge to see if it fits what they are doing. He said Council should try to get things in order
 290 or be done.

291
 292 Councilor Dennett said that the Town Manager is an ex-officio member. Town Manager Colbert Puff
 293 said she would be happy to arrange for a workshop.

294
 295 Councilor Denault asked if Council could make a temporary to extend the expiration date for 90 days.

296
 297 Chairperson Thomson replied Council could move to amend the term to be six months or three months,
 298 but there is no motion before them.

299
 300 Councilor Denault said that the next item coming up is for Gary Beers to be appointed to the Economic
 301 Development Committee, and Mr. Beers has a lot of experience and can bring us up to date.

302
 303 **COUNCILOR DENAULT MOVED TO AMEND THE MOTION THAT THE COUNCIL EXTEND THE**
 304 **TERM OF THE ECONOMIC DEVELOPMENT COMMITTEE UNTIL MARCH 31, 2014, PENDING**

REVIEW AND UPDATE OF ITS INTENT AND STATUS FOR TIME TO RECEIVE INFORMATION WHICH WILL BE FORTHCOMING, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN ON THE AMENDMENT, MOTION PASSED 6-0.

Councilor Pelletier asked who are the three members whose terms are expiring.

Councilor Dennett replied Russell White, citizen, John Carlson, citizen and Steve Kosacz, citizen Councilor Pelletier asked if three of the six members' terms will expire, then who is left? Councilor Dennett answered the Town Manager, the Town Planner, Councilor Denault and Chair Thomson.

Councilor White mentioned that his appointment to the Economic Development Committee is not on the town's website, nor is his name on the list.

Councilor Pelletier said the members would have to re-apply.

Chairperson Thomson said not only would the term be approved, but the individuals would re-apply, and they serve until a successor is appointed.

ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION AND PASSED 6-0.

f. (120213-9) The Kittery Town Council moves to appoint a representative to meet with the Chair of the Economic Development Committee to interview Gary Beers for his appointment to that Board to fill the Business vacancy.

CHAIRPERSON THOMSON MOVED THAT COUNCILOR DENNETT BE APPOINTED TO MEET WITH THE CHAIR OF THE ECONOMIC DEVELOPMENT COMMITTEE TO INTERVIEW GARY BEERS FOR HIS APPOINTMENT TO THAT BOARD, SECONDED BY COUNCILOR BRAKE.

Councilor Dennett said he would meet with the Chair as the designated representative, but thought the Committee does not have a Chair, but two co-chairs. He said he will not be able to do the interview until they meet with the Economic Development Committee and appoint their representative, or co-Chair.

Chairperson Thomson said that Council would expect Councilor Dennett to do this once he is notified of the person, when the appropriate individual is appointed.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR, AND MOTION PASSED 6-0.

g. (120213-10) The Kittery Town Council moves to approve the DOT Utility Location Permit application from Central Maine Power for the installation of a 35/4 pole aerial guy stubbing pole on Route One, State Road, beginning approximately 60 ft. northerly at the intersection of Adams Road and Route One and extending northerly for a distance of 60 feet.

COUNCILOR BRAKE MOVED THE ITEM, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 6-0.

h. (120213-11) The Kittery Town Council moves to authorize the Town Manager to execute Amendment #3 to the Council-approved multi-year contract (Infrastructure Improvements Final Design) with Kleinfelder Associates for Construction Phase Engineering Services in the amount of \$387,900.

355 Chairperson Thomson said that this is in reference to the voter-approved sewer bond previously
356 enacted by the people and the Town Manager is seeking clarification.

357 Town Manager Colbert Puff said, under Section 6.11 (2) of the Town Charter, which refers to multi-year
358 contracts, it is unclear whether or not she had the authority to sign the contract. She read the final
359 sentence and asked Council for direction. "However, except where prohibited by law, nothing in this
360 charter shall be construed to prevent the making or authorizing of payments or making of contracts for
361 capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making
362 of any contract or lease providing for payments beyond the end of the fiscal year, provided that such
363 action was made or approved by ordinance."

364 Town Manager Colbert Puff said she has since been made more aware that this project was approved
365 by ordinance and bond, but she put this on the agenda for caution. She said she believed she had the
366 authority to sign the contract.

367 Councilor Dennett said he disagreed in that the Purchasing Agent has the authority, not the Town
368 Manager.

369 Chairperson Thomson asked if the Purchasing Agent would follow through and execute the contract,
370 would Councilor Dennett have any objection in authorizing the Purchasing Agent to sign the
371 amendment.

372 Councilor Dennett replied absolutely not, since this approved by bond and ordinance and he would
373 make a motion.

374 Chairperson Thomson asked if Councilor Dennett wanted action on the motion.

375 Councilor Dennett responded he did not think it was necessary.

376 Chairperson Thomson concurred and said to the Town Manager that she had her answer.

377 i. (120213-12) The Kittery Town Council moves to approve the Town's match to perform work
378 further described as Alternates #12-14 in the Pepperrell Cove Town Landing Boating Infrastructure
379 Grant and authorize the Manager to use CIP funds (#4054 Pepperrell Cove Wharf and #4055, Port
380 Authority Equipment Reserve) toward the underground utilities project at Bellamy Lane.

381 **CHAIRPERSON THOMSON MOVED THE ITEM FOR DISCUSSION, SECONDED BY COUNCILOR**
382 **BRAKE.**

383 Chairperson Thomson said the background notes state that the DOT is willing to approve Alternates
384 #16 and 17 for an additional \$79,000 as long as the town agrees to commit to do the underground utility
385 work, as Council has discussed at previous workshops and at length. He said this item is to approve
386 the Town's match and funds coming from accounts so designated for the work to be done.

387 Town Manager Colbert Puff said she reported this at the last meeting, but the proposal did not have a
388 source of funding. She had spoken with DOT and the work would be done in a different manner and
389 not by hiring a General Contractor. She said that \$79,000 is for #16 and 17, if the Town were to do the
390 underground utility portion of the project (Alternates 12-14).

391 Town Manager Colbert Puff said that Alternate 15 is for the relocated fire hydrant at the Town Wharf.
 392 She said she spoke with the Fire Chief and he was concerned with cost effectiveness. She said the
 393 original cost was \$29,000, and she was hoping that would be lower, but spoke with the Water District
 394 and the Public Works Department and does not believe the town will do a whole lot better than if Prock
 395 does that portion of the work.

396 Town Manager Colbert Puff discussed this with Fire Chief O'Brien and he said he did not recommend
 397 including this item at this time.

398
 399 The Town Manager was not clear on how to put this item on the agenda, for the re-purposing of CIP
 400 funds, allowing the funds to go towards the underground utility project. She said that under Sec. 6.1 of
 401 the Town Charter, refers to abandonment of CIP appropriations, and read "The purpose of any scuh
 402 approrporiation shall be deemed abandoned if three years pass without any disbursement from, or
 403 encumbrance of the appropriation."

404 The Town Manager said she discussed this with the Chair of the Port Authority and the Harbor Master
 405 – and they requested CIP funds in advance of getting the BIG grant. She said because some of the
 406 work was done with monies from the grant, their recommendation would be to appropriate money from
 407 the CIP accounts to do Alternates 16-17, the underground utility work.

408 Councilor Dennett said that for clarification the \$79,000 is extra and should be changed to \$97,000.

409 The Town Manager said that is correct, the figure should be \$97,000 for Prock Marine to do the
 410 waterside work.

411 Chairperson Thomson asked the Harbor Master if he could comment on the project.

412 Mike Blake said, to back up they did meet about it, and the \$35,000 is in account 4055 as the Port
 413 Authority did need to put a placeholder figure in the CIP budget, but did not know whether they would
 414 receive fund from the BIG grant, so that line item for floats, ramps, money is now sitting there. He said
 415 that the BIG grant takes that chunk out and that would leave \$10,000-12,000 in there as a buffer.

416 Chairperson Thomson asked if that was for the underground utility work.

417 Mr. Blake said they met with Norm Albert, Interim Public Works Commissioner and the Dept. of Public
 418 Works has proposed they perform the Bellamy Lane work as an in kind match.

419 Chairperson Thomson asked if no additional funds are being transferred or requested.

420 Mr. Blake replied correct.

421 Councilor Pelletier wanted to know what is the impact on the abutters and businesses.

422 Mr. Blake responded he could not answer this as he does not think there will be any issues as we will
 423 not see a huge influx of people, so this project should not bother the residents..

424 Councilor Pelletier said he meant the underground utility work being done, and asked when that would
 425 be taking place.

426 Mr. Blake replied there is very little traffic now and he did not expect to be tied up a long time. He said
427 that the trench would be done during the day by Public Works and back-filled at night. He said that
428 area would be closed during the day.
429
430 Councilor Pelletier said there would not be a huge disruption.
431
432 Councilor Dennett asked who put the report together.
433
434 Mr. Blake believed that Bob Melanson submitted the report.
435
436 Councilor Dennett wanted to know why wasn't he here tonight.
437
438 Mr. Blake replied that Bob had a previous engagement.
439
440 Councilor Dennett noted that "Pepperrell" is spelled with two "r's" and wanted to speak to the source of
441 funds. He said it was driving him crazy, but then he realized 4503 is an error and it is for CIP Acct.
442 #4053. He said it is interesting to note that Prock Marine is the low base bidder, Riverside came in at
443 \$83,000 and town staff proposes \$48,000.
444
445 Councilor Dennett stated that someone should be diligent and make sure that we own the property
446 before we do the work.
447
448 Chairperson Thomson asked if there was further discussion on the motion.
449
450 Councilor Dennett asked if the motion was to approve.
451
452 Chairperson Thomson responded yes.
453
454 Councilor Dennett said he does have a problem. He said he was in favor of the project, but asked how
455 do they take two funds and legally determine they are abandoned. He said two have not been
456 accomplished, or to his knowledge been abandoned, but one is partially completed. He said he would
457 read from the Charter again, "An appropriation for a capital expenditure shall continue in force until the
458 purpose for which it was made has been accomplished or abandoned."
459
460 Councilor Dennett asked how is the town going to do this before we get in trouble with the Charter. He
461 said he would like the Town Manager or the Finance Director to inquire of the town auditor and ask how
462 do we proceed, here is the error, how do we resolve it?
463
464 Chairperson Thomson proposed an amendment to the motion to authorize this work, acknowledging
465 the agreement by the town's Auditor of the procedure involved, rather than wait.
466
467 Councilor Dennett said the work will not start for two weeks.
468
469 The Town Manager said that DOT has requested we answer them prior to the end of the year.
470
471 Councilor Dennett asked why.
472
473 Town Manager Colbert Puff said that the DOT is requesting the town award the bid and they are
474 anxious that the town approve and will be doing the underground utility work.
475

476 Councilor Dennett wanted to know why the town was always put in a position where the Council has to
 477 act immediately.

478
 479 Town Manager Colbert Puff said she has had conversations with DOT for two purposes and they will
 480 give us \$97,000 in funding to do the work.

481
 482 Councilor Dennett said the Town Manager could explain yes, but they would have to go through the
 483 town's auditor to accomplish this objective.

484
 485 **COUNCILOR DENNETT MOVED TO POSTPONE THIS ITEM UNTIL THE JANUARY 13th MEETING**
 486 **TO MAKE SURE EVERYTHING IS IN PLACE, AND THE TOWN MANAGER WILL COMMIT TO THE**
 487 **WORK, BUT IDENTIFY THE PROPER WAY TO PROCEED.**

488
 489 Chairperson Thomson asked for a second and there was none.

490
 491 Chairperson Thomson said as the maker of the original motion, he would remove that motion for
 492 consideration and asked if the Councilor seconding the motion agreed. Councilor Brake replied yes.

493
 494 **CHAIRPERSON THOMSON MOVED TO AMEND THE MOTION TO APPROVE THE TOWN MATCH**
 495 **TO PERFORM THE WORK, WITH THE UNDERSTANDING THAT APPROVAL IS CONTINGENT**
 496 **UPON THE TOWN AUDITOR AGREEING WITH IN KIND PRINCIPLES EMPLOYED TO MAKE**
 497 **THAT MATCH, FROM FUNDS TO BE DESIGNATED WITHIN 30 DAYS, SECONDED BY**
 498 **COUNCILOR BRAKE.**

499
 500 Councilor Dennett said the town will fund the project and the Town Manager should let DOT know and
 501 how we get the money back is immaterial.

502
 503 **COUNCILOR PELLETIER AMENDED THE MOTION TO STATE THAT THE TOWN MATCH WOULD**
 504 **BE FOR THE WORK DESCRIBED ON THE PEPPERRELL COVE BIG GRANT AS ALTERNATES**
 505 **12-14 SECONDED BY COUNCILOR WHITE.**

506
 507 **ROLL CALL VOTE WAS TAKEN ON AMENDED MOTION AND ALL VOTED IN FAVOR OF THE**
 508 **AMENDMENT. MOTION PASSED 6-0.**

509
 510 Councilor Dennett asked about the main motion. Chairperson Thomson said it was removed.

511
 512 Councilor Dennett asked the Town Manager to get in touch with the town auditor.

513
 514 j. (120213-13) The Kittery Town Council moves to re-appoint Heather M. Ross as Code
 515 Enforcement Officer until 12/31/14.

516
 517 Chairperson asked if there was any discussion as the next few items are annual re-appointments.

518
 519 Councilor Denault said in doing his homework, he reviewed M.R.S. 30-A, §4451 regarding code
 520 enforcement and, with the Chair's permission, spoke with the Town Manager about his concerns. He
 521 thanked the Town Manager for getting copies to him of the required certificates of staff coming forward
 522 for appointments to make sure they were properly certified, so there would not be any issues.

523
 524 **COUNCILOR DENAULT MOVED THAT HEATHER ROSS BE RE-APPOINTED AS CODE**
 525 **ENFORCEMENT OFFICER, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS**
 526 **TAKEN AND MOTION PASSED, 6-0.**

k. (120213-14) The Kittery Town Council moves to re-appoint Rochelle Bishop as Assistant Code Enforcement Officer until 12/31/14.

COUNCILOR BRAKE MOVED THAT ROCHELLE BISHOP BE RE-APPOINTED AS ASSISTANT CODE ENFORCEMENT OFFICER UNTIL 12/31/14. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 6-0.

l. (120213-15) The Kittery Town Council moves to appoint Jessa Kellog as Assistant Code Enforcement Officer until 12/31/14.

Chairperson Thomson said that there was some discussion on this appointment and whether it was legal and the Town Manager has requested that this item be postponed until the January 13th meeting.

COUNCILOR WHITE MOVED THE APPOINTMENT OF JESSA KELLOG AS ASSISTANT CEO BE POSTPONED UNTIL THE JANUARY 13TH MEETING, SECONDED BY COUNCILOR DENNETT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 6-0.

Councilor Denault noted that when the item is brought back, Jessa's last name should have two "g's."

m. (120213-16) The Kittery Town Council moves to re-appoint Heather M. Ross as the Local Plumbing Inspector until 12/31/14.

Councilor White said that the Code Enforcement Officer has a tough job and he has heard similar complaints to what was aired tonight. He said it is an important position with high visibility.

COUNCILOR DENAULT MOVED THE RE-APPOINTMENT OF HEATHER ROSS AS LOCAL PLUMBING INSPECTOR UNTIL DECEMBER 31, 2014, SECONDED BY COUNCILOR BRAKE. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 6-0.

n. (120213-17) The Kittery Town Council moves to re-appoint Rochelle Bishop as an Alternate Plumbing Inspector until 12/31/14.

COUNCILOR BRAKE MOVED THE RE-APPOINTMENT OF ROCHELLE BISHOP AS ALTERNATE PLUMBING INSPECTOR UNTIL DECEMBER 31, 2014, SECONDED BY COUNCILOR DENAULT. ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 6-0.

o. (120213-18) The Kittery Town Council moves to authorize and approve the submission of a State of Maine Project Canopy Grant application and town match.

Chairperson Thomson said the proposal is in the Council's packet. He said he wanted to correct a statement that was printed in the local media this morning. This grant application is not for planting trees at the Community Center, but it is for trees to be planted in the Memorial Circle and by the Thresher monument behind the building.

Chairperson Thomson asked for a motion.

COUNCILOR WHITE MOVED THE ITEM FOR DISCUSSION, SECONDED BY COUNCILOR BRAKE.

Chairperson Thomson said the Town has used this process before, using in-kind work or private donations and it is an excellent program. He said the maximum amount requested is \$8,000.

578 Councilor Denault asked if it was all right for him to use the picture submitted with the application on the
579 Town's website so people can see what we are talking about. The Town Manager said it was okay.
580
581 Councilor Dennett wanted to know who comes before Council to defend this item?
582
583 Councilor White said he would
584
585 Town Manager Colbert Puff replied she would.
586
587 Chairperson Thomson indicated that Councilor White is listed on the paperwork.
588
589 Councilor White said he would yield to the Town Manager.
590
591 Councilor Dennett noted the right of way outside of the circle, and the adjacent town rain garden and
592 asked the Manager for assurance from the State that the town has the right to plant trees in the right-of-
593 way outside of the Memorial Circle.
594
595 Town Manager Colbert Puff indicated she would make sure the Town had approval from the State
596 before they plant any trees
597
598 Councilor Dennett said the application calls for the planting of 30 new trees. He said on page 2, and on
599 page 4, the current request is for 15 pear trees at \$300 each, = \$3000 and the same figures are for the
600 Red Maple Trees, 15 X \$300 and noted that the math is wrong and asked Council White to defend this.
601
602 Councilor White said he would say it was an indensible error.
603
604 Councilor Dennett thought that Council should send it back because he did not want to send the
605 application to the State with the errors.
606
607 Councilor White said he doesn't know if they should send it back because he did not know who drafted
608 the application.
609
610 Councilor Dennett said it was sloppy work.
611
612 Chairperson Thomson moved Council postpone the action on this item until January 13th pending
613 answers.
614
615 Councilor White said the deadline will be impacted.
616
617 Town Manager Colbert Puff said that the application is already past the deadline for submission and the
618 State has solicited the application. She said she would offer to correct the number of trees or the
619 dollar amount and send it in tomorrow.
620
621 Councilor White said that was a good idea.
622
623 Councilor Dennett asked if it would change the total?
624
625 Town Manager Colbert Puff replied yes.
626
627 Councilor Denault asked if Council could amend with no public input. Councilor Dennett replied no, but
628 the Chairerson could request a change in the math.

Councilor Pelletier said he is looking at the drawing and there are two things he is questioning: are crosswalks being placed going into the circle and sidewalks around the circle being proposed. He said it seems to be part of the plan, or an artist's rendering.

Councilor Dennett said according to the State, there is no public access into the traffic circle.

Town Manager Colbert Puff said that is not part of this plan and probably represents a future vision, but for this purpose, it illustrates where the trees are going to be planted.

Councilor Pelletier thought that it would be a slow traffic circle getting into that situation.

Councilor Dennett commented on the Thresher Memorial in the traffic circle, on the right side, there is a sidewalk which comes down, and he too thought it was just the artist's rendition.

Chairperson Thomson recognized the application is for \$8,000, and that the math would be corrected before submission to the State.

ROLL CALL VOTE WAS TAKEN WITH ALL VOTING IN FAVOR. MOTION PASSED 6-0.

p. (120213-19) The Kittery Town Council moves to schedule a public hearing for January 13, 2014 on the Brownfields application for Wood Island.

CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING FOR JANUARY 13TH ON THE BROWNFIELDS APPLICATION FOR WOOD ISLAND, SECONDED BY COUNCILOR DENAULT.

Councilor Dennett wanted to know if Council would receive any paperwork prior to the public hearing.

Councilor White replied yes, the DEP will be getting a draft out to Council.

ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6-0.

14. COUNCILOR ISSUES OR COMMENT

Councilor Denault had several items he wanted to bring up. First, he said he is making progress on Channel 22. He said last week, Chairperson Thomson and he met with the Town Manager and they have some great ideas.

Councilor Denault noted the amendments he would like to make to the Council Rules, and would like an agenda item for the Council meeting on January 13th. He said tonight he is serving notice according to Council Rules, Sec. 10 of the an agenda item for Council's regular meeting on January 13th to consider an amendment to Council Rules, Sec. 15, Standing Committees, (B).

Councilor Denault said there is a lot of talk in town about issues with the Code Enforcement and he met with the Town Manager. He said it is not personal, but a seasonal concern he has to air on the role of the CEO going forward and a definition on the town website on what the people can expect. He said people have to pay extra money for additional inspections and the Town should be covering this. He said the State has changed the rules.

Councilor Denault said he has gotten a memo regarding rusty signs which need to be removed and he spoke with the Town Manager and interim PW Commissioner, Norm Albert about that.

Councilor Denault wanted to recognize the Kittery residents and extend heartfelt thoughts to them whom have lost family members this month, namely: Mildred Hesselman, Denys G. Arsenault, Sr.; Charles (Charlie) A. Hubbard II; Mark Trent; Henry F. Graves; William C Ballard; Frank Clark, Jr. and Rodney O. Blaney.

Councilor Brake wanted to speak to the fencing on Route 1. He said this just didn't happen, he wanted to know if the town was going to enforce this \$100 a week fine, since they gave this person until November. Chairperson Thomson said his thought is they would see if they received anything before Tuesday since the deadline is January 7th.

Chairperson Thomson said they will be scheduling an Executive Session with the Town Attorney for that night. He said he wanted to wish everyone a Merry Christmas and Happy New Year.

Councilor White reported that he and Councilor Denault went to MMA training, and that every time a Councilor is elected they have to go for Freedom of Access training or go on the MMA website and take the test. He said it is also recommended for Boards and Committees.

Chairperson Thomson said he went online to take the test.

Councilor White said the town is supposed to put the certificates on file.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson

Chairperson Thomson said the Town Manager received information from Chris DiMatteo regarding street acceptance of Lynch Lane.

Town Manager Colbert Puff said there are pending issues with the deed and they also need the final recommendation from the interim Public Works Commissioner that everything has been constructed in accordance with the plan. She said because the amended plan was not recorded within the 90-day timeframe, it has to go back to Planning Board, and the clock has been reset.

Chairperson Thomson said this is information they had conveyed to us in the late September, early October timeframe, before the Town Manager came to Kittery, and wanted to know where was the town going with that and has that item been scheduled for a public hearing before the Planning Board? He asked if the Town Attorney was doing everything that needed to be done.

Town Manager Colbert Puff said that the Town Attorney has a meeting scheduled for Monday and they are waiting for materials to come. She said Chris DiMatteo will be following up with the applicant.

Councilor Dennett suggested using caution as there are two approved plans, with different dates and somewhat different provisions and was interested to know which one was filed. He said that one is critical to that issue.

Chairperson Thomson said it is nice to see the sidewalk plow being put to use and thanked the Public Works Department.

Councilor Thomson said Monday there will be a special meeting on January 6th at 6 p.m., with one item, an Executive Session to develop thoughts on the contract negotiations, followed by a goal setting workshop at 6:30 pm timeframe, and 7:15-7:30 pm there will be a Foreside Forum listening session.

731 He said a mailing is going out, both e-mail and snail mail, to abutters and businesses to knock around
 732 some ideas on development, some wants and not wants in that area.

733

734 b. Town Manager's Report

735

736 Town Manager Colbert Puff said, regarding John Paul Jones Park, she will continue to report on this
 737 until they get more information, but the request for transfer of ownership to the town has been
 738 submitted to the State and she will notify Council of further development. She said she did hear from
 739 "Doc" (Glenn Dohermann), the Manager of the Park, today that things are going smoothly.

740

741 Regarding the distressed property, Town Manager Colbert Puff said the CEO is pursuing a written
 742 response from the property owner on Route 1 with his plans and timeframe to secure and ultimately
 743 demolish this structure.

744

745 Town Manager Colbert Puff said at the last meeting, Council postponed indefinitely amendments to
 746 Title 10 and Councilor White had asked for the timetable for Council reconsider the placement of stop
 747 signs in the Shapleigh School area. She said she spoke with the Police Chief and he will provide
 748 additional information in the Spring, most likely in the April-May timeframe. She said she will come
 749 back to Council with this item.

750

751 Town Manager Colbert Puff said she received an e-mail that the Town has received the grant for the
 752 Wave Attenuation assessment from the State for \$20,000 and that this is the first of its kind to be
 753 awarded.

754

755 Town Manager Colbert Puff said she has received notice from FEMA that they are changing their flood
 756 maps, and are in the process of identifying what the the impact will be on the Kittery residents. She
 757 said they need to let interested property owners view the changes and in what ways they will be
 758 affected on the town's website and how many will be affected. She said they are looking at GIS to help
 759 us determine that. She said they have to look at the photos on a property by property basis.

760

761 Town Manager Colbert Puff said she spoke with FEMA officials, and they expect to publish a draft of
 762 the changes in the beginning of March. She said appeals are complicated and will be costly so it is
 763 important that they know as soon as possible. She said they will be providing instruction on the website
 764 shortly.

765

766 Town Manager Colbert Puff said she has uploaded new and all maps from GIS FIRM (Flood Insurance
 767 Rate Maps) and the government is changing on how flood insurance is being funded. She said the
 768 Federal Government is removing the subsidy and the rates are extraordinarily high. She said she has
 769 contacted Senator King's office as well as Senator Collins's office regarding this issue.

770

771 Chairperson Thomson asked when the York County FEMA informational meeting was going to be,
 772 January 8th or 9th? Town Manager Colbert Puff replied January 8th.

773

774 Town Manager Colbert Puff thanked the Public Works Department and said she received many
 775 questions on the sidewalks being plowed. She said the sidewalks take a long time to be plowed, but
 776 the Foreside is a priority from here on.

777

778 Town Manager Colbert Puff informed Council that an intern, a graduate of Traip, who is attending
 779 Endicott College, majoring in Political Science, will be working at the Town Office and they may see him
 780 hard at work when they come in.

781

782 c. Committee Reports (none)

783

784 16. EXECUTIVE SESSION (none)

785

786 17. ADJOURNMENT

787

788 **COUNCILOR WHITE MOVED TO ADJOURN THE MEETING AT 8:40 P.M. SECONDED BY**
789 **COUNCILOR BRAKE. ALL WERE IN FAVOR BY A VOICE VOTE.**

790

791 /bb

UNAPPROVED MINUTES

January 6, 2014

Kittery Town Council

Council Chambers

Special Meeting Agenda

Requested by Chairperson Jeffrey Thomson

6:00 p.m.

1. Call to Order

Chairperson Thomson called the meeting to order at 6:00 p.m.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call: Answering the roll call were Councilors: Dennett, Denault, White, Spiller, Brake and Chairperson Thomson. Chairperson Thomson said Councilor Pelletier would be late.

5. EXECUTIVE SESSION:

a. (010213-1) The Kittery Town Council moves to hold an executive session with the Town Manager and the Human Resources Director, in accordance with 1 M.R.S. §405 (6) (D) to discuss labor contract negotiations.

Motion by Chairperson Thomson and seconded by Councilor Spiller to go into executive session in accordance with 1 M.R.S., §405 (6) (D) to discuss labor negotiations. Roll call vote was taken.

Motion Vote: 6 in favor with 0 in opposition.

Time: 6:02 p.m.

Motion by Councilor Spiller and seconded by Councilor White to come out of Executive Session. Councilor Denault was not present for the roll call vote.

Motion Vote: 5 in favor and 0 in opposition.

Time: 6:45 p.m.

8. ADJOURNMENT:

Motion made by Councilor Spiller and seconded by Councilor White to adjourn.

Motion Vote: 6 in favor and 0 in opposition.

Time: 6:45 p.m.

/bb

EPA FY14 BROWNFIELDS CLEANUP GRANT OUTLINE WOOD ISLAND LIFE SAVING STATION, KITTERY, MAINE

DRAFT PROPOSAL CONTENT:

1. Transmittal Letter (2single spaced-page limit)
2. Narrative Proposal or Ranking Criteria (15 single spaced-page limit)
3. Attachments including Threshold Criteria Documentation & Cost-Share Documentation (no page limit, but only listed attachments will be accepted)
4. ~~SF 424 and 424A Forms for www.grants.gov Submissions, if applicable~~
(NOT APPLICABLE)

Draft Cover Letter: Revised 1/3/14

(To be placed on Town Letterhead and signed by Nancy or other authorized Town Official)

Environmental Management Support, Inc.

Attn: Mr. Don West

8601 Georgia Avenue, Suite 500

Silver Springs, MD 20910

Phone 301-589-5318

Re: Town of Kittery, Maine FY2014 EPA Brownfields Hazardous Substances Cleanup Grant
Application for Wood Island Life Saving Station Site, Kittery, Maine

Dear Mr. West:

At the top of the list of the "Most Endangered Historic Resources" in the State of Maine is the Wood Island Life Saving Station in Kittery, according to the leading statewide historic preservation group, Maine Preservation. An EPA Brownfields cleanup grant for hazardous substances of \$200,000 is critically important for saving this building and allowing a non-profit to pay to repair it.

This 1908 Duluth-style building on a small island in the Atlantic Ocean near the mouth of the Piscataqua River has been owned by Kittery since 1973, when the property was received from the US Department of the Interior, National Park Service. The island serves today as a park for visiting boaters and the building as an icon of the river's entrance, the border between Maine and New Hampshire.

A life saving station is a place where men and boats of the US Life Saving Service were at the ready to assist mariners in distress in the years before the formation of the US Coast Guard. This station was in continuous service to help shipwrecked mariners through World War II when the US Navy occupied it to keep watch for German U Boats that were on the prowl looking to attack US submarines coming and going from the Portsmouth Naval Shipyard.

Unfortunately, since the mid-1950s, the Station has been abandoned and has deteriorated. The hazardous materials within the building have proven too costly for Kittery to clean on its own. So, in 2011 Kittery recommended demolition of the Station. A strong grassroots response from local citizens to preserve the Station followed. But with the current budget situation in Kittery, without EPA Brownfields funding, there will be no restoration of the Station.

This fall Kittery approved an agreement with a local 501 c 3 charity, the Wood Island Life Saving Station Association. This followed a public bidding process for proposals to restore and reuse the Station. That agreement calls for the charity to fund, in an initial phase, the repair of the exterior of the building. That project has been put out for public bid and will cost \$350,000 but it won't be able to begin until after the Brownfields cleanup is completed. To date, \$100,000 in written pledges has been secured by the charity for the repair of the building and they are attached to this proposal.

This agreement was encouraged by 850 citizen petitions in the spring of 2013 to the Town Council that called on the Town to apply for EPA Brownfields funding to clean the Station and allow the charity to undertake the repair. As a point of reference, the number of registered voters of Kittery totaled 6811 in 2013 and the average number of voters casting ballots in recent local elections has been approximately 1200. The community engagement and partnerships formed around this project have been very strong.

There is demonstrated state-wide significance to saving this, the last life saving station built in

Maine. Of the 15 originally in service in the State, only 5 remain. The recent petitions and Town Council approval of the agreement to clean and repair the building is proof of strong community engagement and support. There is a pressing need to clean the building now and begin the repairs as the Department of the Interior has made it clear that they are concerned about the hazardous condition of the building and the structure continues to decay.

The unique nature of the public / non-profit agreement is also noteworthy. The Station is owned by the Inhabitants of Kittery, and will remain so, but the citizens are so supportive of this project that even as the Town cannot afford to clean it and restore it, citizens have offered on their own to raise the funds and oversee the project. This is leveraging and community engagement at its best. But in order to succeed, this agreement is dependent on EPA joining this partnership with Brownfields funding to clean the asbestos, lead-based paint, and bird guano that is currently making the building so unsafe and allow the non-profit funding to flow and secure the future of the structure.

Approving Brownfields funding for this project will save an important historic resource, while encouraging the local public and non-profit community to work together to expand the recreational offerings in the Town, thereby improving the quality of life in this rural Maine community. It takes something special to galvanize so many and this Station has proven to be a resource that many want to save. With EPA's help, Wood Island Life Saving Station can remain a resource for Kittery and the Seacoast Region to tell the remarkable story of life saving on the coast of Maine that will be enjoyed for generations to come.

The Application satisfies the Threshold Criteria, as detailed in **Attachment XX**. Additional required information is presented below.

- a. **Applicant Identification:** Town of Kittery, Maine, 200 Rogers Rd. Ext., Kittery, ME 03904
- b. **Applicant DUNS number:** XX-XXX-XXXX and **Applicant SAM number:** XXXXX
- c. **Funding Requested:**
 - i. **Grant Type:** Cleanup (Site-Specific)
 - ii. **Federal Funds Requested:** \$200,000 (a cost-share waiver is not requested)
 - iii. **Contamination:** Hazardous Substances
- d. **Location:** Kittery, York County, Maine
- e. **Property Name and Address:** Wood Island Life Saving Station, Wood Island, Portsmouth Harbor / Piscataqua River, Kittery, ME 03904
- f. **Contacts:**
 - i. **Project Director:** Chris Di Matteo, Assistant Town Planner; Phone: (207) 475-1323; Fax: (207) 439-6806; E-mail: cdimatteo@kittery.org; Mailing Address: 200 Rogers Rd., Kittery, ME 03904.
 - ii. **Chief Executive / Highest Ranking Elected Official:** Nancy Colbert Puff, Town Manager; Phone: (207) 475-1329; Fax: (207) 439-6806; E-mail: ncolbertpuff@kittery.org; Mailing Address: 200 Rogers Rd., Kittery, ME 03904
- g. **Date Submitted:** January 22, 2014
- h. **Project Period:** October 2014 – September 2017 (3 Years)
- i. **Population:**
 - i. **General Population:** Town of Kittery: 9,490 (2010 Census)
 - ii. **Target Population:** Kittery Point: _____ (2010 Census)
- j. **"Other Factors":** The Other Factors Checklist is attached to this cover letter and also included as **Attachment XX**.

We thank you in advance for considering our grant application.

Sincerely,

Nancy Colbert Puff, Town Manager
Town of Kittery, Maine

Encl: Wood Island FY2014 USEPA Brownfields Cleanup Grant Application with Attachments

cc: Frank Gardner, Brownfields Coordinator, EPA Region I (New England)
Nicholas Hodgkins, Maine Department of Environmental Protection

NARRATIVE PROPOSAL (RANKING CRITERIA FOR CLEANUP GRANTS)

(15 single spaced-page limit – 100 points total)

1. Community Need [15 points total]

a. Targeted Community and Brownfields [5 points]

Targeted Community Description:

Kittery Maine is the southern most town in the State. It was incorporated in 1647 and is considered the oldest incorporated Town in Maine. English settlement has been continuous in Kittery since 1623, but native Americans were prevalent for centuries before that time. It had a population of 9490 according to the 2010 census, a reduction in population since 2000. It is 75.30 square miles in size of which 17.78 square miles is land, the rest is tidal ocean water. In October of 2013 the unemployment rate was 4.4% up from the prerecession levels in 2008 of 3.1% (YCharts) The poverty rate is 6.3% compared to 13% in all of Maine. Median household income is \$50,718 compared to Maine's median of \$42,139.

As of the census^[2] of 2010, there were 9,490 people, 4,302 households, and 2,488 families residing in the town. The population density was 533.7 inhabitants per square mile (206.1 /km²). There were 4,942 housing units at an average density of 278.0 per square mile (107.3 /km²). The racial makeup of the town was 95.8% White, 0.9% African American, 0.1% Native American, 1.1% Asian, 0.1% Pacific Islander, 0.5% from other races, and 1.5% from two or more races. Hispanic or Latino of any race were 2.6% of the population.

There were 4,302 households of which 23.5% had children under the age of 18 living with them, 46.3% were married couples living together, 7.9% had a female householder with no husband present, 3.6% had a male householder with no wife present, and 42.2% were non-families. 32.8% of all households were made up of individuals and 12.6% had someone living alone who was 65 years of age or older. The average household size was 2.17 and the average family size was 2.77.

The median age in the town was 43.2 years. 18.2% of residents were under the age of 18; 7.8% were between the ages of 18 and 24; 26% were from 25 to 44; 30.3% were from 45 to 64; and 17.7% were 65 years of age or older. The gender makeup of the town was 48.3% male and 51.7% female.

The targeted community is the small island called Wood Island. It is a recreational park available for boaters to visit and explore and picnic. The 1908 life saving station is a very attractive building that draws visitors to that island. Unfortunately, its current state of decline means that visitors to the island may be exposed to hazardous materials that are found in and around the structure.

Demographic Information:

	Targeted Community (e.g., Census Tract)	City/Town or County	Statewide	National
Population:				
Unemployment:				
Poverty Rate:				
Percent Minority:				
Median Household Income:				
Other:				
(footnotes citing where data was obtained, e.g., Data is from 2010 U.S. Census)				

Brownfields:

The property to be cleaned is a 1908 Duluth style life saving station on an island at the entrance to the Piscataqua River. This river forms the southern border between New Hampshire and Maine.

As a result of the Southern Maine Regional Planning Commissions' Brownfields Assessment Program, over _____ Brownfields sites have been identified within York County, with as many as _____ identified in Kittery alone. The Town of Kittery has been severely affected by the closing of several commercial businesses including _____, _____, and _____, which are now vacant, vandalized and blighted, lowering adjacent residential property values, fostering crime, and depressing the business climate.

Typical of most of these Brownfield properties, the extent of contamination at these sites is unknown. Most of the rural region is served by private water wells, many of which may or could be impacted with contamination, due to their close proximity to identified Brownfield sites. Furthermore, most of the citizens live and/or work adjacent to or near these abandoned and contaminated Brownfield sites. In addition, abandoned Brownfields still contribute mightily to the foremost environmental problems plaguing Maine rivers and lakes: polluted stormwater runoff and contaminated groundwater migration, hindering the creation of open greenspace and the economic revitalization of the target community areas near these waterfront areas.

Cumulative Environmental Issues:

The Kittery area is home to a large naval base, The Portsmouth Naval Shipyard. Various environmental concerns exist from such a facility. Most recently, in May of 2012, a shipyard worker intentionally set fire to some rags aboard the USS Miami, a nuclear attack sub that was in dry dock undergoing repairs. The damage was estimated at \$700 million to repair so the decision was made to scrap the sub. The fire burned for 12 hours

and five emergency responders were injured fighting the blaze. The arsonist was sentenced to 17 years in prison. There were no known environmental effects besides the air pollution from the smoke. Without a doubt, Kittery was pleased that a burning nuclear sub did not cause more damage to the community.

b. Impacts on Targeted Community [5 points]

The Town of Kittery possesses sensitive populations that are often disproportionately affected by environmental health hazards, namely, a particularly....

Population Group	Kittery	Maine	U.S.	Data Source
Elderly (65 years and older)		15.9%	13.0%	2010 Census
People with Income Below the Poverty Level (last 12 months)		12.6%	13.8%	2006-10 American Community Survey
Population Group	York County	Maine	U.S.	Data Source
Disabled	1	15.7%	12.0%	2010 Census

¹ York County is the smallest geographic unit that includes Kittery for which 2010 Census data regarding the percentage of disabled individuals is available.

As shown in the following table, these population groups, as well as other sensitive populations (such as children), often have some of the highest incidents of respiratory illness, lead poisoning, and cancer, likely attributable, in part, to Brownfield sites that are in close proximity to where they live, work, and recreate.

Statistic	Kittery	Maine	U.S.	Data Source
Housing, built prior to 1970 (lead paint)		48.7%	42.6%	2006-10 American Community Survey
Housing, built prior to 2000 (asbestos)		90.9%	87.3%	2006-10 American Community Survey
Statistic	York County	Maine	U.S.	Data Source
Asthma, current, among adults	10.3%	10.0%	9.1%	2010 Behavioral Risk Factor Surveillance System
Cancer, incidence of all types (per 100,000)	526.7	480.8	469.1	2007-9 Maine Cancer Registry
Cancer, mortality from all types (per 100,000)	197.6	196.0	175.8	2004-8 Maine Cancer Registry
Statistic	York Health	Maine	U.S.	Data Source
Chronic lower respiratory disease deaths among 45+ years (per 100,000; 2002-7)	146.6	143.7	114.6	2010 Maine State Profile of Selected Public Health Indicators
Elevated blood lead levels among children (per 10,000)	1.2	1.0	0.6	2006-10 Maine Lead Poisoning Prevention Program
Lung cancer, incidence (age-adjusted rate per 100,000; 2004-6)	75.3	80.3	60.0	2010 Maine State Profile of Selected Public Health Indicators

Lung cancer, mortality (age-adjusted rate per 100,000; 2003-7)	56.3	59.9	51.5	2010 Maine State Profile of Selected Public Health Indicators
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c. Financial Need [5 points]

i.) Economic Conditions [3 points]

Kittery's budget has been level funded for the past six years. The cost of services and staff continue to rise but the Town has worked hard to prevent any increase in its spending. This has left numerous essential services unfunded and needs unmet. For Kittery to provide the match for this grant is possible, but funding the entire amount of the work has proven too large a task. Increasing taxes, even for pressing needs such as education and human services, has been impossible. The Parks budget has been one place that has had to endure cut backs, even though the parks in Kittery are well used and provide net income to the Town. To invest \$200,000 to fund the cleanup of Wood Island Station has not been possible, even though there are potential liabilities and additional costs associated with putting off this task. Kittery's request for proposals from interested not for profits was an acknowledgement that even though the Town could not afford the task of cleaning up and repairing the building, every avenue needed to be explored to try to accomplish that goal.

ii.) Economic Effects of Brownfields [2 points]

The demographics presented above describe a small Maine town that has been slowly recovering from the recent recession. The largest employer in Kittery is the Portsmouth Naval Shipyard which, beginning in July of 2013, had to furlough 1000 workers due to the sequestration cuts to the budget of the Department of Defense. This creates a large impact in a Town with a population of less than 9500 and does not show up in recent unemployment figures.

The question of blight is very appropriate in this instance. Wood Island Station is a building that is highly visible and is closely associated with Kittery. Any vessel entering or leaving Portsmouth Harbor must pass by Wood Island. For that structure welcoming visitors Kittery in such a state of disrepair is unfortunate. The impact that such a welcome has on investment and community pride is difficult to quantify but is real.

The issue has been that the burden of maintaining that building has proven too large for Kittery, especially the large cost associated with the hazardous materials cleanup. Since the asbestos and bird guano are so prevalent, providing regular maintenance to the structure has proven hazardous. So, the building continues to deteriorate, making the situation only worse.

2. Project Description and Feasibility of Success [30 points total]

a. Project Description [15 points]

i.) Existing Conditions & Reuse Planning [5 points]

The Wood Island Life Saving Station, erected in 1908, exhibits characteristics of the Duluth style, which was a popular architectural fashion in early 20th century Maine. The importance of repairing and preserving this historic landmark underscores a broader preservation goal of protecting the character and value of the contiguous historic island and nautical district. The Life Saving Station were vacated and essentially became surplus property to the US Coast Guard and US DOI. If not for the historic character of these buildings, they might otherwise be demolished.

Considerable discussion and public comment on what should be done with the former Life Saving Station were conducted at both Town Council and Planning Board meetings. Neighbors and other citizens expressed concern for the outcome of the historical building and that they should be repaired and preserved. Others voiced concern that the buildings also not sit empty and continually be allowed to deteriorate.

The Town, WILSSA, and the Kittery community are interested in seeing a productive repair and reuse of the historic structure; however, at present, there is no funding to accomplish the cleanup necessary to make them safe for reuse. An imperative preliminary step in the eventual repurposing of the building was the environmental assessment work carried out through the Southern Maine Regional Planning Commissions' Brownfields Assessment Program funded by EPA. Due to the historical building construction and renovations over time at this property, asbestos, lead-based paint, and hazardous/biological wastes (bird guano) have been identified as the primary contaminants requiring cleanup/abatement. Specifically, asbestos was discovered in pipe and boiler insulation materials and in flooring and siding weatherization papers. Lead-based paint had been used to paint the walls, ceilings, and window/door trim. Since the Site has been vacant, bird guano has accumulated on the floors throughout the structure. These hazardous substances need to be removed or abated before the building can be successfully repaired and potentially reused.

The Town of Kittery, in conjunction with the support and efforts of WILSSA, is applying for an EPA Brownfields Cleanup Grant to fund the abatement and/or removal of asbestos, lead paint, and bird guano from the historic structure. If the Town is awarded the cleanup grant, these funds will remediate the contamination remaining in the buildings, such that the building can then be repaired and reused.

ii.) Proposed Cleanup Plan [10 points]

Based on future site reuse scenarios, the most cost-effective risk mitigation cleanup option includes the abatement, removal, and proper off-site disposal of the identified asbestos, lead-based paint, and other hazardous materials to allow for repair and reuse of the Site. As part of the cleanup plan, some limited lead-based paint may remain,

but will be encapsulated with an epoxy paint or new construction materials to prevent direct contact.

The work will be conducted under the oversight of the Maine Department of Environmental Protection (*Attachment XX*), who will provide a MEDEP "Certificate of Completion" in accordance with the MEDEP Voluntary Response Action Program (VRAP), upon completion of the cleanup. This remedial option manages risk by eliminating direct contact with Site/building contaminants. The Town of Kittery will also follow the advice of the environmental consultant and the MEDEP on required post-remediation monitoring, if necessary.

The cleanup/abatement plan (*Attachment XX*) for asbestos, lead-based paint, and other hazardous materials/wastes will utilize standard industry practices for containment systems designed to manage the contaminants, while being abated/removed from the site. The containment systems will incorporate applicable regulatory standards (MEDEP / Occupational Safety and Health Administration) into their design(s) and maintenance.

The cleanup plan will also include standard erosion and sedimentation controls (silt fences, hay bales, temporary mulching, and/or erosion-control fabric in scour-prone fill areas, etc.) during construction and implementation of the cleanup actions, to mitigate potential surface runoff of contaminants to storm drainage systems or ultimately Portsmouth Harbor. The cleanup plan (asbestos, lead-based paint cleanup/abatement) is also extremely compatible with the potential end uses of the site given that the overall long-term risks posed by the identified source areas will essentially be eliminated.

b. Task Description & Budget Table [10 points]

Task Descriptions:

Task 1: Cooperative Agreement Oversight: This task includes the Town's time (25 hours at \$50/hour with fringe = \$1,250 plus another 50 hours at \$50/hour with fringe = \$2,500 in in-kind staff time/cost share) and consultant time/costs (estimated at \$2,500 plus \$2,500 cost share from Town) for program development, organization, support, Cleanup Task Force meetings, and oversight of the proposed Brownfields cleanup activities. It also includes travel (\$1,250) for attendance at MEDEP/EPA Brownfields conferences. Based on a competitive bid process in accordance with 40 CFR 30, the Town will select an environmental consultant. A Brownfields Cleanup Task Force has been developed that includes members of the Town staff, WILSSA, MEDEP, and local citizen stakeholders. This task also includes the preparation of performance and financial reports, key measures, updating ACRES, and supplies (\$500) in the form of copies, faxes, phone, and shipping/mailing costs.

Outputs for this task include up to five (5) meetings with documented meeting minutes for the Cleanup Task Force, bidding and selection of an environmental consultant to assist the Cleanup Task Force in the successful development and completion of the proposed cleanup/abatement plan to achieve regulatory closure and protection of human health and the environment.

Task 2: Final Cleanup Plans, MEDEP Voluntary Response Action Program (VRAP) Submittals, and Bidding: The Town's environmental consultant will prepare a final Analysis of Brownfields Cleanup Alternatives (ABCA) and cleanup/abatement plan for performing the proposed asbestos, lead-based paint, and other hazardous materials cleanup/abatement activities in accordance with Maine DEP and OSHA regulations. The consultant will also prepare the design plans and specifications, conduct a site visit with proposed contractors, and assist with the review of competitive bids to select a qualified abatement/cleanup contractor.

Costs under this task include the Town's time (25 hours at \$50/hour with fringe = \$1,250 plus another 50 hours at \$50/hour with fringe = \$2,500 in in-kind staff time/cost share) and consultant time and costs (\$7,500) associated with the final design, submittal of required documents to the MEDEP in accordance with VRAP, and preparation of the bid package, including the plans, specifications, bid form, review of the submitted bids, and selection of the proposed cleanup/abatement contractor. Meetings between the Town, the consultant, MEDEP, and/or EPA regarding the final design, work plans, MEDEP VRAP documents, and regulatory closure will also be included in this task. This task also includes supplies (\$500) in the form of copies, faxes, phone, and shipping/mailing costs.

Outputs for this task include up to five (5) meetings with the Cleanup Task Force; an ABCA and cleanup/abatement plan for submittal to the MEDEP and EPA, contractor bidding documents, and selection of an environmental contractor to implement the cleanup/abatement plan.

Task 3: Remediation Activities: This is the major task associated with the grant proposal. The EPA cleanup funds will be used to cleanup/abate asbestos, lead-based paint, and other hazardous materials/wastes (bird guano) to be conducted on an island with only boat/barge access. This task includes the contractor costs for cleanup/abatement in order to mitigate long-term impacts from direct contact, inhalation of dust, and runoff of dust and contaminants into the nearby Portsmouth Harbor. It also includes cleanup coordination and oversight by the environmental consultant and the collection and analysis of confirmatory samples to monitor, oversee, and confirm the protection of public health and welfare for the nearby target community during the proposal cleanup/abatement activities.

Total cleanup/abatement contractor costs are estimated at approximately \$180,000 (\$160,000 direct costs applied to the grant plus \$20,000 in match/cost share from the Town). This task also includes the Town's time (25 hours at \$50/hour with fringe = \$1,250 plus another 100 hours at \$50/hour with fringe = \$5,000 in in-kind staff time/cost share) and consultant time/costs (estimated at \$10,000) for cleanup planning; contractor coordination; cleanup oversight; confirmatory sampling; and project cleanup status meetings. This task also includes supplies (\$500) in the form of copies, faxes, phone, and shipping/mailing costs.

Outputs include the full cleanup, abatement, and risk mitigation of hazardous materials identified in the site building. Green remediation principles and recycling of some construction/building materials will also be implemented, along with the mitigation or elimination of contaminated dust/water runoff into Portsmouth Harbor.

Task 4: Administrative Records and Closure Reporting: This task includes Town and environmental consultant time for performing the necessary project closeout monitoring and reporting after remediation to ensure compliance with the plans, specifications, and requirements for regulatory closure under MEDEP VRAP. Project closeout and closure reporting costs include the Town's staff time (25 hours at \$50/hour with fringe = \$1,250 plus another 50 hours

at \$50/hour with fringe = \$2,500 in in-kind staff time/cost share) and consultant time/costs (estimated at \$2,500 plus \$2,500 cost share from Town) for up to three (3) Cleanup Task Force meetings and preparation of status and closure reports. This task also includes supplies (\$500) in the form of copies, faxes, phone, and shipping/mailing costs.

Proposed outputs include up to two (2) meetings with the Cleanup Task Force, a MEDEP VRAP No Action Assurance Letter, Final Cleanup Closure Report, and a MEDEP Commissioner's Certificate of Completion stating that a condition of "No Significant Risk" exists at the site following the completion of the cleanup/abatement activities.

Task 5: Public Meeting and Community Involvement: Town staff will notify the adjacent land owners, target community, and general public of dates and times for public information meetings and other administrative meetings, where project decisions may be made. Town Planning Board and Council meetings are televised over the public access channel. Adjacent land owners will be notified by certified letter to ensure they receive the meeting information and have the opportunity to provide comments. Prior to actual cleanup operations, the neighbors and the public will again be notified in writing (public notice in local newspaper), by phone calls, and/or by e-mail. All applicable application and project information will also be posted and updated on the Town's website. The Town will utilize existing government meeting space to ensure there are no facility rental costs. We expect that there will be a need for at least three public informational and decision-making meetings. Costs include the Town's staff time (25 hours at \$50/hour with fringe = \$1,250 plus another 50 hours at \$50/hour with fringe = \$2,500 in in-kind staff time/cost share) and consultant time/costs (estimated at \$2,500) for preparation and attendance at the public meetings. This task also includes supplies (\$500) in the form of copies, faxes, phone, and shipping/mailing costs.

Budget Table

Budget Categories	Task 1 Cooperative Agreement Oversight	Task 2 Clean-up Plans & Bidding	Task 3 Remediation Activities	Task 4 Closure Reporting	Task 5 Public Meetings & Involvement	Total Cost
Personnel	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$5,000
Fringe	\$250	\$250	\$250	\$250	\$250	\$1,250
Travel	\$1,250	\$0	\$0	\$0	\$0	\$1,250
Equipment	\$0	\$0	\$0	\$0	\$0	\$0
Supplies	\$500	\$500	\$500	\$500	\$500	\$2,500
Contractual	\$2,500	\$7,500	\$170,000	\$7,500	\$2,500	\$190,000
Total Cost	\$5,500	\$9,250	\$171,750	\$9,250	\$4,250	\$200,000
Cost Share	\$5,000	\$2,500	\$25,000	\$5,000	\$2,500	\$40,000
Total Budget	\$10,500	\$11,750	\$196,750	\$14,250	\$6,750	\$240,000

c. Ability to Leverage [5 points]

If additional work (e.g., cleanup, abatement, and/or restoration) is required to complete the proposed cleanup and/or redevelopment plan, the Town, its community partners, and/or WILSSA, the Town's project partner/developer will secure supplemental funding beyond the required matching funds. In-kind services are also committed in the form of voluntary services to the Cleanup Task Force and to the community training/outreach program. WILSSA, the Town's project partner, has also committed leveraged funds to the repair of the Wood Island Life Saving Station in the form of donated funds.

3. Community Engagement and Partnerships [15 points total]

a. Plan for Involving Targeted Community & Other Stakeholders; and, Communicating Project Progress [5 points]

A Brownfields Cleanup Task Force has been established, consisting of members from the Town staff, representatives of the community partners, the MEDEP, and other local interested citizen stakeholders. Once selected the qualified environmental professional/consultant will also provide support to the task force committee. To date, several public meetings have been conducted on the cleanup and reuse of the Wood Island Life Saving Station Site, in addition to the one conducted for this grant application. Prior to the final proposed cleanup activities, a 30-day public comment period will be held to solicit final feedback on the proposed cleanup at the Site. A public meeting will be held to solicit input from community officials and residents, including harder-to-reach populations, on their perceived site contamination and concerns for the Site.

The Cleanup Task Force will also hold open, publicly-noticed quarterly meetings, depending on the need, during remedial construction activities to discuss the cleanup progress at the Site. Meeting minutes will be kept and will be available to the public. The Brownfields Cleanup Task Force minutes, documents, maps, and products will be public record. These materials will be frequently added to Town's website for public viewing, where a dedicated project webpage will be maintained. Copies of key environmental reports will also be available through the selected environmental consultant. A draft Community Relations Plan has already been completed and documents will be translated from English to other languages including Spanish, if necessary or requested.

Another goal of the Town is to minimize the health issues related to this program; at the same time, our education campaign is not designed to scare individuals who will be able to see a cleanup at a widely visible, accessible and well-known site.

b. Partnerships with Government Agencies [5 points]

The Town staff will be key members of the Brownfields Cleanup Task Force and will provide program management support, community outreach support, and liaison support between the target community and the Brownfields Clean-up Task Force, as needed to ensure a successful cleanup. The Brownfields Cleanup Task Force members, including the Town and its project partner, WILSSA have connections to multiple agencies, such as the Nationals and State Historical Preservation Offices, locally-, state-, and federally-elected officials, state agencies including MEDEP, the EPA, and other public entities. One of the

successes of the project to date is the Town's is the manner in which the Town and local target community have come together in support of the cleanup and repair of this historical structure and landmark.

As previously noted, the Town will also engage the services of an environmental consultant to provide environmental oversight, direction, and risk characterization in order to protect public health and the environment within the Town of Kittery and project's targeted community. The Town will also ensure that the cleanup is conducted in accordance with the requirements of MEDEP and the EPA and the site will be entered into the MEDEP VRAP.

c. Partnerships with Community Organizations [5 points]

The Town of Kittery will actively engage the following key community-based organizations in this project. They have agreed to work aggressively with Town and its consultant in a public outreach and education role concerning the health and environmental impacts arising from identified risks at the Site, as well as imminent hazards posed by contamination found there. They will conduct activities such as the dissemination of outreach materials through their respective networks, hosting public meetings, and assisting with press releases, taking advantage of the close connections they have with the local community. Contact information for these organizations, along with letters of support documenting their roles and commitments, is provided as *Attachment XX*.

Wood Island Life Saving Station Association (WILSSA) – support with project direction, management, and oversight including cleanup, facility repair, and reuse planning. Support with leveraged funding sources including donations and additional grants.

Maine Preservation, a Maine organization – support generally with reuse and redevelopment

National Trust for Historic Preservation, a National Organization – support generally with reuse and redevelopment

Maine Historic Preservation Office, Augusta, ME – State oversight of historic building redevelopment

4. Project Benefits [20 points total]

a. Health and/or Welfare and Environment [10 points]

Wood Island is a small, rocky island of 1.24 acres very near the coast of Maine in Kittery. It is used as a public park and it is only accessible by small boat. More than a thousand visitors per year land there to picnic, sunbathe and explore the lovely island owned by the Town of Kittery.¹ There are no bathrooms or amenities. The visitors use many sorts of watercraft to reach Wood Island, most often kayak. There is a natural cove with a sandy bottom for larger vessels to easily pull up to the island.

¹ Kittery Comprehensive Plan, 2001

Wood Island is 1300 feet to the southwest of Fort Foster, another park that is on Gerrish Island but is accessible from the mainland. All of the 10,000 annual visitors to Fort Foster can enjoy the view of Wood Island and its Life Saving Station, and many launch their small boats from Fort Foster to access Wood Island. Immediately next to Wood Island (approximately 1,200 feet to the south) is Whaleback Ledge on which sits Whaleback Light. The 1872 lighthouse is owned by a non-profit, the Friends of Portsmouth Harbor Lights, and they are working to restore the structure of the lighthouse and make it accessible to the general public. The combination of a small island to visit by boat and the marine history of a lighthouse and a life saving station next to each other is very unique. Having these assets all safe and accessible to the public is a worthy goal. These resources are the primary focal point of Fort Foster Park. These buildings and their islands are also clearly visible from the New Hampshire shore from New Castle as well as most of the Kittery waterfront. Wood Island Station is an critical part of the iconic entrance to the Piscataqua River.

To have the life saving station (approximately 7,500 square feet in size) on such a small island means that the current state of its disrepair is a serious hazard to the public that regularly visits Wood Island. There are "no trespassing" signs posted on the Station itself but on such a small island, there is potential for health risks for those who don't even go into the Station. Therefore there would be significant health and welfare benefits from cleaning the hazardous materials present at this property and eliminating the potential for harm as visitors to Wood Island explore the island and the life saving station. The hazardous materials are simply too close to visitors to the park. They need to be removed properly and promptly.

b. Environmental Benefits from Infrastructure Reuse/Sustainable Reuse [5 points]

i.) Planning, Policies, or Other Tools [2 points]

The Town of Kittery, owner of Wood Island Station has reached the decision point of demolition or repair. Through extensive public outreach and involvement, the Town of Kittery has come to an agreement with a not-for-profit group that provides the opportunity for the building to be repaired. By definition, the repair of a historically significant building is a fine example of sustainable redevelopment, especially when compared to demolition. Original materials from the building will be inventoried and reused for the repair after the abatement. The existing infrastructure includes a marine railway for launching the rescue boats used by the "surfmens" who lived in the life saving station. Repair of this element is also planned.

ii.) Example of Efforts [3 points]

An example of efforts taken in Kittery for the planning of this project to integrate equitable development and incorporate livability principles is the improved community-wide recreational asset open to the public that will emerge from this clean up. The Town of Kittery looks forward to including Wood Island as a leading example of a park that has been made safe for the use of the public by means of the

abatement. The wide spread support from the public in Kittery for this project will result in the improved choices for recreation.

c. Economic and Community Benefits [5 points]

i.) Economic Benefits or Other Benefits [3 points]

The direct economic benefits of this project will be long term and meaningful even though this project is intended to be used as a park and will be repaired by a not-for-profit. The direct economic impact can be found in the construction jobs that will result from the work of abating the hazardous materials and repairing the structure. A ratio of 2.5:1 is expected for the \$200,000 clean up that will generate additional spending of nearly \$500,000 in repair to the building. The direct economic impact will also be found for years to come in the support that this project will provide to the tourism trade of southern Maine. "Tourism supports more than 85,000 jobs in Maine and generates about \$7.5 billion a year for the state ranging from lodging to restaurant sales to souvenirs and entertainment. In 2012 more than 28 million tourists visited the state."² In Kittery and nearby Portsmouth there are numerous boats that provide tours of the historic and scenic Piscataqua River area for visitors. Repairing the Wood Island Life Saving Station will support these local businesses by offering an attractive element of their numerous and daily tours.

ii.) Job Creation Potential: Partnerships with Workforce Development Programs [2 points]

5. Programmatic Capability and Past Performance [20 points total]

a. Programmatic Capability [12 points]

b.

For example: This project will be managed by Mr. Chris Di Matteo, Assistant Planner and Ms. Nancy Colbert Puff, Town Manager for the Town of Kittery.

Mr. Di Matteo has managed several grants (specific examples).....and over his career has successfully secured and managed \$ _____ million in Federal funding. Mr. Di Matteo holds a B.A. from University/College.

Ms. Colbert Puff will also assist in the management of the grant. Ms. Colbert Puff.....

Other Town officials/representatives could be brought in to maintain project leadership and to recruit qualified staff, should employee turnover occur during the project period.

² George Gervais, commissioner of the Maine Department of Economic and Community Development, which oversees the Office of Tourism.

c. Audit Findings [2 points]

The Town of Kittery has never been cited for any program deficiencies or adverse audit findings on any of its local, state, or federal projects.

d. Past Performance and Accomplishments [6 points]

i) Currently or Has Ever Received an EPA Brownfields Assessment, Revolving Loan Fund, or Cleanup Grant

The Town of Kittery has never received an EPA Brownfields Grant; however the Town has received other Federal or Non-Federal Assistance Agreements (see below).

ii) Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements

1. Purpose and Accomplishments [3 points]

The Town of Kittery has a vast wealth of experience conducting and managing grants at the state and federal level. The Town of Kittery has been the recipient of the following grants:

2. Compliance with Grant Requirements [3 points]

iii) Has Never Received Any Type of Federal or Non-Federal Assistance Agreements [3 points]

Not applicable, the Town of Kittery has previously received Federal or Non-Federal Assistance Agreements (see above).

ATTACHMENTS (CLEANUP GRANTS)

(no page limit, but only those listed will be accepted)

- i) **Threshold Documentation & Cost-Share Documentation (Threshold Criteria for Cleanup Grants)**
- ii) **Letter from State or Tribal Environmental Authority**
- iii) **Letters of Support from all Community-Based Organizations Identified in the Community Engagement and Partnerships Ranking Criteria**
- iv) **Documentation Indicating Leveraged Funds are Committed to the Project**
- v) **Documentation of Community Notification, including Ads (or equivalent), Comments Received, Responses to Comments, Meeting Notes, and Sign-In Sheets**
- vi) **Draft Analysis of Brownfields Cleanup Alternatives (ABCA)**
- vii) **~~Documentation of Non-Profit Status, if applicable~~ (NOT APPLICABLE)**
- viii) **~~Documentation of Applicant Eligibility if other than City, County, State, or Tribe~~ (NOT APPLICABLE)**
- ix) **~~Justification for Cleanup Cost-Share Waiver, if applicable~~ (NOT APPLICABLE)**
- x) **~~Property-Specific Determination Request, if applicable~~ (NOT APPLICABLE)**
- xi) **~~Petroleum Eligibility Determination Information, if applicable~~ (NOT APPLICABLE)**
- xii) **Other Factors/Special Considerations Checklist (Appendix 3), if applicable**

SF 424 and 424A Forms (Required for www.grants.gov Submissions), if applicable (NOT APPLICABLE)

ATTACHMENT A - THRESHOLD CRITERIA FOR CLEANUP GRANTS

1. APPLICANT ELIGIBILITY

- a. **Eligible Entity:** The Town of Kittery, Maine is a general purpose unit of local government (local government or municipality), as defined under 40 CFR Part 31.
- b. **Site Ownership:** The Town of Kittery, Maine affirms that it is the sole owner of the Site under fee simple title (property deeded to Town in 1973 from US Department of the Interior, National Park Service).

2. LETTER FROM THE STATE OR TRIBAL ENVIRONMENTAL AUTHORITY

A letter from the State of Maine Department of Environmental Protection (Maine DEP) Brownfields Coordinator, dated January XX, 2014, acknowledging that the Town of Kittery, Maine plans to conduct cleanup activities at the Wood Island Life Saving Station Site and is applying for federal grant funds, is provided as *Attachment XX*.

3. SITE ELIGIBILITY AND PROPERTY OWNERSHIP ELIGIBILITY

Site Eligibility:

a. Basic Site Information:

- (a) **Site Name:** Wood Island Life Saving Station;
- (b) **Site Address:** Wood Island (Portsmouth Harbor/Piscataqua River), Kittery, Maine 03904;
- (c) **Current Owner:** Town of Kittery
- (d) **Date Site Acquired:** Site deeded to the Town of Kittery in 1973 by the US Department of the Interior, National Park Service.

b. Status and History of Contamination at the Site:

- (a) **Site Contamination:** Hazardous Substances.
- (b) **Operational History and Current Uses:** Wood Island is located in Portsmouth Harbor at the mouth of the Piscataqua River, approximately ¼-mile east of the Maine-New Hampshire line, in the area known as Kittery Point. It is approximately 1,300 feet southwest of Fort Foster on Gerrish Island in Kittery, Maine. The Site is known as the former Wood Island United States Coast Guard Life Saving Station and encompasses the entirety of Wood Island (approximately 1.25 acres).

Based on available historical information, the Site appears to have been utilized as a barracks and yellow fever quarantine in the late 1800s by the US Navy, lifesaving

station from 1908 through circa 1941 by the US Life Saving Service and Coast Guard, and observation station during World War II from 1941 through 1945 by the US Navy. The Site has been owned by Kittery since 1973, when the property was received from the US Department of the Interior, National Park Service, and has since been unofficially used for recreational park purposes.

Wood Island is currently developed with two buildings, including the former United States Life Saving Station building and a tool house. Other improvements to the site include the "marine railway," which extends from the station boathouse to the ocean at the northwesterly portion of the island, marine seawalls ("north seawall" and "south seawall"), a concrete cistern, and two concrete structures which appear to have been protective casings for wells.

The station building is a multi-room, multi-level building with wood frame and masonry construction. The building encompasses approximately 7,596 square feet of living and utility space. The building has a basement, living room, mess hall, officer's and crew's quarters, bathrooms, a boathouse, a four-level observation tower, and an exterior observation deck on the fourth level. The building is a combined Colonial Revival and Shingle Style design. It features a Colonial Revival gambrel roof and siding iconic of American Queen Anne Shingle architecture. It is a Duluth Style life saving station and its architect was George R. Tolman.

- (c) ***Environmental Concerns:*** Due to the types of building materials used in the construction, maintenance, repairs, and various renovations over the years by the US Navy, US Life Saving Service, and/or US Coast Guard, prior to ownership by the Town of Kittery in 1973, hazardous building components have been identified throughout the Site building, including asbestos-containing materials (ACM); lead-based paint (LBP); and biological/avian waste (bird guano).
- (d) ***Contaminant Sources and Extent:*** Between 2008 and 2010, several environment assessments and investigations were conducted at the Site. Most recently, a Phase I Environmental Site Assessment (ESA) and a Hazardous Building Materials Inventory (HMI) were completed for the site in 2010 using EPA Brownfields funding under the Southern Maine Regional Planning Commission's Brownfields Assessment Program and under the oversight of the Maine DEP Brownfields Program and Voluntary Response Action Program (VRAP). The results of these previous environmental investigations identified that various hazardous building materials were prevalent and extensive throughout the Site buildings, including asbestos-containing materials (ACM), lead-based paint (LBP), and bird guano, and have resulted from the various types of building materials used in the construction, maintenance, repairs, and renovations over the years by the US Navy, US Life Saving Service, and/or US Coast Guard, prior to ownership by the Town of Kittery in 1973. As part of the HMI, preliminary engineering cost estimates were also prepared for the abatement and cleanup of the hazardous building materials.

Building materials containing asbestos at concentrations greater than one percent were identified in several areas of the Site buildings and primarily included thermal

system insulation (TSI) materials, boiler/tank insulation materials, and siding/flooring paper.

The HMI also included an inspection for the presence of lead-based paint (LBP). Ransom Consulting, Inc. (Ransom) conducted a visual assessment of each painted surface in the Site buildings, and collected paint chip samples for laboratory analysis, as warranted. According to laboratory analysis, several painted surfaces throughout the Site buildings were found to contain elevated levels of lead, significantly greater than 1.0 mg/cm², which are considered "lead-based" according to the U.S. Housing and Urban Development (HUD) Lead-Based Paint Guidelines. In addition, the OSHA standards for construction-related activities are also applicable, since lead at any concentration falls under the OSHA regulations.

Other potentially hazardous materials including biological hazards in the form of significant bird droppings were observed throughout the main Site building.

In accordance with local, State, and Federal laws and regulations, these hazardous building materials are required to be properly managed, abated, removed, and/or disposed of off-site, prior to or during Site renovation and redevelopment activities.

- c. **Sites Ineligible for Funding:** The Wood Island Life Saving Station Site is an eligible site, and is:
- (a) Not listed or proposed for listing on the National Priorities List;
 - (b) Not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
 - (c) Not subject to the jurisdiction, custody, or control of the United States government.
- d. **Sites Requiring a Property-Specific Determination:** A property-specific eligibility determination is not required for this Site.
- e. **Environmental Assessment Required for Cleanup Proposals:** Several environmental assessments have been conducted at the Site between 2008 and 2010, some of which, were completed using EPA Brownfields funding under the Southern Maine Regional Planning Commission's Brownfields Assessment Program and include the following:
- "Wood Island Feasibility Study; Part One: Study of Site History and Initial Site Assessment; Part Two: Site Assessment and Recommendations; and Part Three: Recommended Alternatives," prepared by the University of New Hampshire (UNH) and Appledore Engineering, Inc., dated May, 2008;
 - "Phase I Environmental Site Assessment, Former US Coast Guard Life Saving Station, Wood Island; Kittery, Maine," prepared by Ransom Consulting, Inc., March 8, 2010;
 - "Hazardous Building Materials Inventory, Former United States Coast Guard Life

Saving Station, Wood Island; Kittery, Maine,” prepared by Ransom Consulting, Inc., September 8, 2010 (Phase II ESA Equivalent); and

- “*Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation*”, Wood Island Life Saving Station, Wood Island, Kittery, Maine,” prepared by Ransom Consulting, Inc., January 3, 2014 (attached hereto).

The Phase I ESA was completed in accordance with ASTM International Designation: E 1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, which meets the requirements of the United States Environmental Protection Agency (USEPA) All Appropriate Inquiry (AAI), 40 CFR Part 312. In addition, the HMI was completed in accordance with general environmental industry standards and constitutes an equivalent Phase II ESA for investigation of hazardous building materials, in accordance with the Maine DEP Voluntary Response Action Program (VRAP); based on the results of the Phase I ESA, no further investigation of soil, groundwater, or soil vapor was warranted at the Site.

Property Ownership Eligibility:

- a. **CERCLA §107 Liability:** The Town of Kittery believes that it is not potentially liable for contamination at the Site. The Town acquired the property in 1973 from the Federal Government, prior to the 1980 CERCLA (Superfund) and 1986 Superfund Amendments and Reauthorization Act regulations. The Town affirms that it conducted all appropriate inquiry into prior ownership and uses of the property, consistent with good commercial or customary practices (industry standard of care) for property transfers at the time of acquisition in 1973. Furthermore, the Town of Kittery is not liable or affiliated with any others who may be potentially liable for the contamination at the Site and was not the owner or operator at the time of disposal of hazardous substances at the property. The contamination was discovered between 2008 and 2010, resulting from historical operations and hazardous building construction materials, prior to the Town’s acquisition of the property from the US Department of the Interior in 1973. Therefore, the Town believes it essentially maintains the current innocent landowner liability protections under CERCLA.
- b. **Enforcement or Other Actions:** There are no ongoing or anticipated environmental enforcement actions, other actions, orders, or local, state, or federal inquiries for the Site. Furthermore, the applicant is not aware of any current records of judgments or other enforcement actions regarding this Site.
- c. **Information on Liability and Defense/Protections:**
 - i) **Information of the Property Acquisition:** Ownership of the Site was transferred and deeded by the Federal Government (US Department of the Interior), the transferor, to Town of Kittery in 1973, current owner. The Town of Kittery affirms that it is the sole owner of the Site, under fee simple title. In addition, the Town of Kittery does not have any direct or indirect familial relationship or any contractual, corporate, or financial relationships or affiliations with any prior owner or potentially

liable entity.

ii) Timing and/or Contribution Toward Hazardous Substance Disposal: According to historical records, contamination in the form of hazardous building materials was discovered at the Site between 2008 and 2010, due to its original construction, maintenance, repair, and/or renovations, which occurred prior to the Town of Kittery's acquisition of the property in 1973. The Site has not been active or occupied and no activities, repairs, renovations, or modification to the Site have occurred, since that time. In addition, the Town of Kittery affirms that it has not arranged for the disposal of hazardous substances to the Site or transported hazardous substances to the Site, since taking ownership.

iii) Pre-Purchase Inquiry: The Town of Kittery took title to the property in 1973, prior to the 1980 CERCLA (Superfund) and 1986 Superfund Amendments and Reauthorization Act regulations. As such, the Town affirms that it conducted all appropriate inquiry into prior ownership and uses of the property, consistent with good commercial or customary practices (industry standard of care) for property transfers at the time of acquisition in 1973.

Using EPA Brownfields funding under the Southern Maine Regional Planning Commission's Brownfields Assessment Program, Ransom Consulting, Inc. conducted a Phase I ESA in 2010 to identify potential environmental risks at the Site. Ransom's project staff, who performed and oversaw the completion of the Phase I ESA, meet the definition of an Environmental Professional as defined in §312.10 of 40 CFR Part 312. Furthermore, Ransom's staff has the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Site. Ransom developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

In addition, supplemental environmental assessments were also conducted in 2010 to identify and evaluate the extent of contamination at the Site. Specifically, a Hazardous Building Materials Inventory (HMI) was also completed for the Wood Island Life Saving Station Site using EPA Brownfields funding under the Southern Maine Regional Planning Commission's Brownfields Assessment Program and under the oversight of the Maine DEP Brownfields Program and Voluntary Response Action Program (VRAP). Furthermore, preliminary remediation and cleanup planning has also been completed for the Site.

iv) Post-Acquisition Uses: The Site's buildings have remained vacant since the Town took ownership in 1973. The buildings have been closed in anticipation of the hazardous materials clean-up and repair of this historic property, which is now on hold, pending receipt of additional clean-up monies.

v) Continuing Obligations: Since the contamination was confirmed during the environmental assessments between 2008 and 2010, the Town of Kittery has demonstrated appropriate care and taken reasonable steps in addressing the identified contamination.

No continuing or potential releases were identified at the Site during the prior assessments (e.g., leaking tanks, dumping, etc.). Based on the environmental assessment reports to date, we understand the hazardous building materials do not currently pose an imminent hazard, but still pose moderate risks of harm to human health and the environment, via direct contact or inhalation with the impacted media, if these materials are disturbed. However, since access to the Site building is restricted and limited to authorized personnel only, and the area is routinely patrolled by the Kittery Harbor Master and Town of Kittery personnel, contact between the public and the impacted media is expected to be minimal. The proposed repair and restoration activities will disturb the contaminated media and will potentially expose construction workers to hazardous building materials. Given the restoration options for the Site, cleanup/abatement will be required to prevent human and/or environmental exposure (e.g., asbestos, lead, and bird guano contamination) from direct contact or inhalation of contaminated media, dust, etc.

Currently, and during proposed future repair and restoration activities at the Site, the Town of Kittery will 1) comply with land-use restrictions and institutional controls, 2) assist and cooperate with those performing the cleanup and provide access to the property, 3) comply with information requests and administrative subpoenas that have or may be issued in connection with the property; and 4) provide legally-required notices.

- d. **Petroleum Sites:** Not Applicable – The Site is a Hazardous Substance site.

4. **CLEANUP AUTHORITY AND OVERSIGHT STRUCTURE**

- a. **Oversight Plan & Structure for Cleanup:** The Town of Kittery will endeavor to ensure that the cleanup of hazardous substances at the Site will comply with applicable local, state, and federal laws and regulations. The Town will competitively bid and retain a qualified environmental consultant, in accordance with the competitive procurement provisions of 40 CFR Part 31.36 (for eligible government entities) or 40 CFR Part 30 (for non-profit organizations). The environmental consultant will work with Town of Kittery and its designated project partners to design, prepare specifications and bidding documents, and oversee and document remediation activities at the Site, as well as to assist with the interface between the target community, Maine DEP, and EPA. The environmental consultant will also assist with the competitive bid process for selecting an environmental contractor to perform the proposed cleanup actions. The Town of Kittery will contract with the selected environmental consultant prior to initiating cleanup activities. The Wood Island Life Saving Station Site will also be entered into the Maine DEP Voluntary Response Action Program (VRAP).
- b. **Access Plan for Adjacent or Neighboring Properties:** The Site encompasses the entirety of an island in Portsmouth Harbor at the mouth of Piscataqua River. Therefore, there are no immediate adjacent properties. The Town of Kittery in conjunction with the Wood Island Life Saving Station Associate, the Southern Maine Planning and Development Commission, and York County officials, view the nearby property owners

as stakeholders and cooperative partners in the proposed cleanup actions. Also, the Kittery Harbor Master, York County Sheriff's Department, Town of Kittery, and the Maine DEP have the regulatory authority to access properties for emergency situations. At this time, the proposed cleanup activities are limited to the Site and are not anticipated to extend to the adjacent waterways or properties. However, prior to initiating cleanup activities and if the proposed cleanup or confirmatory sampling/monitoring requires access to the nearby properties in the harbor, a formal written access agreement will be obtained from these nearby property owners, if necessary.

5. COST SHARE

a. Statutory Cost Share:

- i) **Sources of Required Cost Share:** The Town of Kittery will provide the applicable 20% cost share of up to \$40,000 (\$200,000 requested from EPA) in a combined form of contribution consisting of money for eligible cleanup-related services, labor, and materials and/or services from a non-federal source including in-kind services, program development, oversight, and documentation, and/or supplemental funding through the Maine DEP, Maine Department of Economic and Community Development (DECD), or the Town of Kittery.
- ii) **Hardship Waiver Request:** Not Applicable — A Hardship Waiver is not requested

6. COMMUNITY NOTIFICATION

The Town of Kittery has fulfilled the community notification requirements for the Wood Island Life Saving Station Site. The public meeting was advertised on January 7, 2014 in the *Portsmouth Herald*, a community-wide daily newspaper. The public meeting was held on January 13, 2014. A draft of this proposal, the draft Analysis of Brownfields Cleanup Alternatives - Preliminary Evaluation (with the proposed/selected cleanup alternative) were made available at the Town of Kittery's offices from January 7 to 17, 2014, and public comments were received until January 17, 2014. **Attachment XX** to this proposal consists of the following documents:

- 1) A copy of the draft ABCA/RAP;
- 2) A copy of the newspaper advertisement demonstrating notification to the public and solicitation for comments on the proposal;
- 3) A summary of the comments received in the form of meeting minutes from the public meeting;
- 4) A response to the comments, as necessary, in the form of meeting minutes from the public meeting;
- 5) Meeting notes or summary/explanation of the public meeting; and
- 6) A sign-in sheet from the public meeting.

Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation
Wood Island Life Saving Station Site, Wood Island, Kittery, Maine
State Tracking Number/ID: “Former Wood Island USCG Life Saving Station”
Prepared by: Town of Kittery, Wood Island Life Saving Station Association, &
Ransom Consulting, Inc.
January 3, 2014

Please refer to Frequently Asked Questions (FAQ) regarding submission of this document. Please note that the draft Analysis of Brownfields Cleanup Alternatives (ABCA) submitted as part of the proposal is intended as a brief preliminary document. The format of this document is suitable for the purpose of grant proposal submission, but not for compliance with the Terms and Conditions of an awarded grant. In addition, this document may not meet state requirements for the evaluation of cleanup alternatives.

I. Introduction & Background

a. Site Location (address):

The Former United States Coast Guard (USCG) Life Saving Station Facility (the “Site”) is located on Wood Island, which is an approximate 1.25-acre island located in Portsmouth Harbor, approximately ¼-mile east of the Maine-New Hampshire state border. Wood Island is developed with two buildings, (the Site buildings”), which are described as the former USCG Life Saving Station building and a tool house. Remaining portions of the Site are improved with a “marine railway”, which extends into the ocean at the northwestern portion of the island and two marine seawalls.

b. Previous Site Use(s) and any previous cleanup/remediation:

Based on the available information, the Site buildings were constructed in 1908, for use by the United States Lifesaving Service and Coast Guard as a lifesaving station until circa 1941. The U.S. Navy reportedly used the facility as an observation station during World War II from circa 1941 through 1945. The Site buildings have been vacant since the early 1950s. No previous environmental cleanup or remediation activities have occurred at the Site.

c. Site Assessment Findings (briefly summarize the environmental investigations that have occurred at the site, including what the Phase I and Phase II assessment reports revealed in terms of contamination present, if applicable):

From 2009 to 2010, Ransom Consulting, Inc. (Ransom) completed a Phase I Environmental Site Assessment (ESA) and Hazardous Materials Inventory (HMI) for the Site using EPA Brownfields funding under the Southern Maine Regional Planning Commission’s (SMRPC’s) Brownfields Assessment Program and under the oversight of the Maine Department of Environmental Protection (MEDEP) Brownfields Program. The results of these environmental investigations identified that various hazardous building materials were prevalent throughout the Site buildings, including asbestos-containing materials (ACM) and lead-based paint (LBP). Ransom also identified biological hazards in the form of bird droppings (guano) throughout the buildings, which may induce the growth of the fungal spores that can lead to respiratory disease. As part

of the HMI, preliminary cost estimates were also prepared for the abatement and cleanup of the hazardous building materials and bird droppings.

Building materials containing asbestos at concentrations greater than one percent were identified in several areas of the Site buildings and primarily included thermal system insulation (TSI) materials, boiler/tank insulation materials, and flooring and exterior siding paper.

The HMI also included an inspection for the presence of lead-based paint (LBP) and collection of paint chip samples for laboratory analysis, as warranted. According to the laboratory results, several painted surfaces throughout the Site buildings were found to contain elevated levels of lead, significantly greater than 0.5 percent lead by weight, which are considered "lead-based" according to the U.S. Housing and Urban Development (HUD) Lead-Based Paint Guidelines.

In accordance with local, State, and Federal laws and regulations, all of these hazardous building materials are required to be abated, removed, and properly disposed of off-site, prior to or during Site restoration activities. Ransom also recommended that the bird droppings be removed in conjunction with the removal of friable ACM, since these removal activities require a regulated work area and properly trained workers with respiratory protection.

d. Project Goal (*site reuse plan*):

The Town of Kittery advertised a Request for Proposals for qualified not-for-profits to propose plans to restore and reuse the Station in the fall of 2011. Kittery selected the Wood Island Life Saving Station Association (WILSSA) to be the not-for-profit organization that it would work with to plan for the repair of the building. The WILSSA proposed a Passive Recreation Program for the island involving passive boater services and facility exhibits of the Life Saving Station history and Wood Island's role in maritime history. Kittery has agreed to allow WILSSA to repair the Station pending a successful EPA Brownfields grant.

If the Site remains vacant, the historic buildings will continue to deteriorate, be subject to vandalism and blight, and will negatively impact Wood Island. Since they are currently unused and deteriorating, they will also represent an ongoing drain on the Town's finances, since the properties will continue to require significant maintenance, security, emergency response, and present significant potential liability risks. Of greater concern is not restoring and preserving these buildings, depriving the community of these significant historic assets and degrading the history of Wood Island. Delaying the rehabilitation will lead to increasing deterioration, increasing the probability that any future restoration efforts would not be able to incorporate the historic and culturally significant elements of the structures.

Following cleanup and abatement of the hazardous building materials, the buildings will be repaired and the specifics regarding the proposed recreational/tourism facility, including maritime exhibits and a partial museum, as part of the Island Trail Program will be discussed with Kittery. These efforts are entirely in concert with attempts to increase

the maritime facilities and tourism attraction of Pepperrell Cove as the First Port in Maine Campaign. Reuse plans also include restoring the grounds around the structures to the pre-1950's appearance.

II. Applicable Regulations and Cleanup Standards

a. Cleanup Oversight Responsibility (*identify the entity, if any, that will oversee the cleanup, e.g., the state, Licensed Site Professional, other required certified professional*):

The Town of Kittery will hire a qualified environmental professional (QEP) to oversee and document the cleanup in accordance with local, State, and Federal requirements. A qualified abatement contractor, licensed and certified in the State of Maine will be hired to conduct the cleanup and abatement work. Furthermore, the cleanup will be overseen by the MEDEP Brownfields and VRAP programs and all documents prepared for this Site will be submitted to the MEDEP for review and approval in order to receive a VRAP Certificate of Completion, upon completion of the cleanup work.

b. Cleanup Standards for major contaminants (*briefly summarize the standard for cleanup e.g., state standards for residential or industrial reuse*):

The Town of Kittery currently anticipates that the State and Federal standards for the abatement of hazardous building materials including asbestos and lead-based paint will be employed in this project. However, it is possible that other risk-based cleanup standards will be generated for compounds of concern, in accordance with State and Federal regulations, as necessary.

c. Laws & Regulations Applicable to the Cleanup (*briefly summarize any federal, state, and local laws and regulations that apply to the cleanup*):

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act, the Federal Davis-Bacon Act, Maine DEP environmental laws, and local Town by-laws and ordinances. Federal, State, and local laws regarding procurement of contractors to conduct the cleanup will be followed. Specifically, the Town of Kittery will competitively bid and retain a qualified environmental consultant and abatement/cleanup contractors, in accordance with the competitive procurement provisions of 40 CFR Part 31.36 (for eligible government entities) or 40 CFR Part 30 (for non-profit organizations). In addition, all appropriate permits (e.g., State abatement notifications/permits for asbestos and lead-based paint, and hazardous building materials transport/disposal manifests) will be obtained, prior to the work commencing.

III. Cleanup Alternatives

a. Cleanup Alternatives Considered (*minimum two different alternatives plus No Action*):

To address contamination at the Site, three different alternatives were considered, including Alternative 1 - No Action; Alternative 2 - Combination Targeted

Abatement/Removal and Operations & Maintenance (O&M); and Alternative 3 – Full Abatement/Removal with Off-Site Disposal.

b. Evaluation of Cleanup Alternatives (*brief discussion of the effectiveness, implementability and a preliminary cost estimate for each alternative*)

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

Effectiveness:

- Alternative 1: The No Action alternative is not effective in controlling or preventing the exposure of receptors to contamination at the Site. A No Action alternative signifies that no remediation activities would be conducted at the Site. The No Action alternative does not include a means for mitigating exposure to identified hazardous material and is not protective of human health or the environment; therefore, the potential for human exposure to hazardous building materials, such as asbestos and lead, and biological hazards of bird droppings, through direct contact, ingestion, and inhalation continues to exist for potential future site occupants, site workers, or trespassers.
- Alternative 2: The Combination Targeted Abatement/Removal and Operations & Maintenance (O&M) alternative is an effective way to prevent exposure to certain hazardous building materials. This alternative involves mitigating the potential for human exposure through direct contact, ingestion, and inhalation of the hazardous building materials and biological hazards identified at the Site, using a combination of targeted removal and material stabilization and maintenance in accordance to State and Federal regulations.

Each area where asbestos-containing material (ACM) and bird droppings are located is anticipated to be affected by the proposed restoration of the Wood Island Life Saving Station facility. Current federal and state regulations require the removal of friable (easily reduced to powder using hand pressure) ACM, prior to conducting renovation or demolition activities that impact these areas. To meet these federal and state regulations, the identified ACM in the buildings will be completely removed, and therefore, encapsulation and maintenance is not an option for asbestos. Bird droppings should also be removed in conjunction with the removal of friable ACM, since these removal activities require a regulated work area and properly trained workers with respiratory protection.

Due to both interior and exterior lead-based paint that is, in part, deteriorating on several surface of the Wood Island Life Saving Station facility buildings, this alternative includes a combination of the full removal and off-site disposal of portions of the deteriorating lead-based paint and the stabilization and encapsulation of relatively intact (non-deteriorating) lead-based paint. A potential for adverse impacts to human health from exposure to lead-based paint would still exist in the extreme case that the encapsulated exterior surfaces are disturbed, such as future restoration and building repair activities. The greatest risk of disturbance would involve future restoration projects. However, an effective O&M plan would significantly reduce the risk of exposure to the remaining

exterior lead. In addition, an institutional control (land use restriction) would need to be recorded on the deed to indicate the need to maintain the O&M plan for the site in order to prevent future exposure to lead-based paint, unless these materials are removed and properly disposed of in the future.

- Alternative 3: The third remediation alternative evaluated in this ABCA is the Full Abatement/Removal with Off-Site Disposal alternative. This alternative involves mitigating the potential for human exposure through direct contact, ingestion, and inhalation of the identified hazardous building materials and bird droppings at the Site through full abatement and removal activities. This alternative is an effective way to eliminate risk at the Site, since the contamination and its associated hazards will be removed and the exposure pathways will no longer exist; therefore, this alternative is fully effective in the short-term, as well as the long-term control of each of the identified hazardous building materials and bird droppings.

Implementability:

- Alternative 1: The No Action alternative is easy to implement, since no actions will be conducted. However, the Site will need continued maintenance and security.
- Alternative 2: Under the Combination Targeted Abatement/ Removal and O&M alternative, each area where asbestos-containing material (ACM) is located is anticipated to be affected by the proposed renovation. Current federal and state regulations require the removal of friable (easily reduced to powder using hand pressure) ACM and universal wastes, prior to conducting renovation or demolition activities that disturb/impact these areas. To meet these federal and state regulations, the identified ACM identified at the Wood Island Life Saving Station facility will be completely removed, and therefore, the encapsulation and/or maintenance alternative is not an option for asbestos. Bird droppings are also planned to be removed in conjunction with the removal of friable ACM, since these removal activities require a regulated work area and properly trained workers with respiratory protection.
- Paint stabilization, targeted removal, and maintenance of lead painted surfaces at the Site is technically feasible and is an effective action for reducing or eliminating the risk of human exposure to lead. Services and materials necessary to conduct this O&M alternative are readily available, although ongoing monitoring and maintenance of the encapsulated areas will require periodic coordination and reporting. In addition, this alternative requires the implementation of a deed restriction for maintaining the proposed O&M plan for lead-based paint remaining in the buildings.
- Alternative 3: Full Abatement and Removal of the identified hazardous building materials is moderately difficult to implement. Coordination (e.g., dust suppression and monitoring) during cleanup activities and short-term disturbance to the community (e.g., barges/boats and trucks transporting contaminated materials for off-site disposal) are anticipated. However, ongoing monitoring and maintenance will not be required following abatement and offsite disposal.

Removal of asbestos-containing materials and bird droppings at the Site is technically feasible, and is an effective action for reducing or eliminating the risk of direct human

contact to asbestos and these biological hazards. The necessary services and materials to complete the remedial tasks are readily available, including the necessary equipment and contractors.

Removal of interior and exterior lead-based paint at the Site is also technically feasible, and is an effective action for reducing or eliminating the risk of direct human contact to lead. The necessary services and materials to complete the remedial tasks are readily available, including the necessary equipment and contractors.

Cost:

- There will be no costs under Alternative 1 - No Action.
- It is estimated that Alternative 2 – Combination Targeted Abatement/Removal and Operations & Maintenance costs will be on the order of \$175,000 to \$200,000 (estimated cleanup contractor costs with contingency), excluding engineering, oversight, reporting, meetings, and other programmatic cleanup costs.
- Alternative 3 – Full Abatement & Removal with Off-Site Disposal is estimated to cost roughly \$275,000 to \$300,000, including full de-leading of painted surfaces (estimated cleanup contractor costs with contingency), excluding engineering, oversight, reporting, meetings, and other programmatic cleanup costs.

c. Recommended Cleanup Alternative

The Combination Targeted Abatement/Removal and Operations and Maintenance alternative (Alternative 2) was selected as the preferred cleanup alternative, since it is financially less burdensome, effective, technically feasible/practical, and is equivalent to the removal alternative in meeting the remedial objectives, including the protection of human health and the environment. Based on the criteria evaluated, the No Action alternative (Alternative 1) is unacceptable due to the fact that it does not meet evaluation and threshold criteria, including the overall protection of human health and the environment. Although the Full Abatement/Removal alternative (Alternative 3) is also effective, technically feasible/practical, and protective of human health and the environment, it comes with a greater cost and was not selected as the preferred alternative.

The selective alternative also provides some level of resilience in light of reasonably foreseeable changing climate conditions. Specifically, the Wood Island Life Saving Station buildings are located in the center and at the highest elevation/points of Wood Island and no structures are constructed within the tidal zone. The buildings are anchored on bedrock and protected by sea walls, which should provide stability to handle potential flooding and increased storm intensity and frequency due to potential climate change.

Green and Sustainable Remediation Measures for Selected Alternative

To make the selected alternative greener or more sustainable, several techniques are planned. The Town of Kittery will require the cleanup contractor to follow an idle-reduction policy and use abatement equipment (e.g., boats, trucks, and generators) with advanced emissions controls operated on ultra-low sulfur diesel and the number of mobilizations to the island will be minimized to conserve fuel. Metal pipes and apertures

are proposed to be recycled upon removal of ACM and bird droppings may potentially be reused and recycled as fertilizer materials at the Site or other commercially available application sites. In addition, the Town of Kittery anticipates asking the bidding cleanup contractors to propose additional green remediation techniques in their response to the Request for Proposals for the cleanup contract.



Friends of Portsmouth Harbor Lighthouses
A Chapter of the American Lighthouse Foundation

P.O. Box 8232, Portsmouth, NH 03802-8232
www.portsmouthharborlighthouse.org

December 27, 2013

Ms. Gina McCarthy
Administrator, Brownfields Program
Environmental Protection Agency

Dear Ms. McCarthy,

I am writing to you in support of the Town of Kittery's application for \$200,000 under the EPA Brownfields Program to clean the hazardous materials in the Wood Island Lifesaving Station.

Very few stations from the old U.S. Life Saving Service have survived, and the Wood Island building is a prime example of an early 1900s station that is well worth preserving. Its restoration will have great benefit for the local community, tourists, and maritime history buffs alike. The environmental cleanup is an important first step in this process.

Our organization is working to restore the 1872 Whaleback Lighthouse, a long stone's throw from Wood Island. A publicly accessible lifesaving station on Wood Island along with a restored and accessible Whaleback Lighthouse is a compelling vision. The restored structures will foster important opportunities for visitors to learn about the history of our region and the heritage of the U.S. Life Saving Service and Coast Guard.

The board of directors of Friends of Portsmouth Harbor Lighthouses and I extend our best wishes to the Wood Island Life Saving Association as they work with the federal government and the Town of Kittery in this important mission. We will be happy to assist in any way we can as the project develops. The interest and involvement of local citizens in this worthy project has been wonderfully encouraging.

We hope the EPA will look favorably on this request.

Thank you,

Jeremy D'Entremont
Operations Manager, Friends of Portsmouth Harbor Lighthouses
Historian, American Lighthouse Foundation



**National Trust for
Historic Preservation**

Save the past. Enrich the future.

January 6, 2014

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Brownfield Grant, Wood Island Life Saving Station | Kittery, ME

Dear Administrator McCarthy:

We write in support of the \$200,000 Brownfields grant requested by the Town of Kittery, Maine, for use in the restoration of Wood Island and the Wood Island Life Saving Station. In preparation for this application, we have been engaged with Maine Preservation and the Wood Island Life Saving Station Association and have supported their efforts in assisting the Town. We view this project as a national model for how the public and private sectors can come together to leverage scarce resources and empower communities.

As evidenced by the extensive community support in Kittery and by Preservation Maine in selecting the Station on its 2012 list of Most Endangered Historic Resources, a \$200,000 Brownfields grant would provide critical funding to restore an important resource that has local, statewide, and national importance. In addition, the Town is well situated to make sure that ultimate preservation goal of saving the Station and re-purposing it into a community resource will be a success. In demonstration of its intent to see this project through completion, the Town of Kittery has developed strong relationships with stakeholders, including coordinating with the nonprofit sector for assistance.

By way of example, the Wood Island Life Saving Station Association (WILSSA) was formed specifically to help the Town of Kittery find a way to pay for the repair and maintenance of the Station once hazardous materials have been removed from Wood Island. We are very pleased to report that the Town and WILSSA have already entered into a written agreement that defines a path forward once cleanup occurs and which the \$200,000 Brownfields grant would make possible.

The National Trust looks forward to providing continued support to WILSSA, Preservation Maine, and the Town of Kittery as they work jointly to restore Wood Island for all to enjoy. If we can provide additional information on behalf of this project, please let me know.

Sincerely,

A handwritten signature in black ink, reading "William J. Cook".

William J. Cook
Associate General Counsel



233 West Main Street • Yarmouth, Maine 04096
Tel (207) 847-3577 • info@mainepreservation.org
www.mainepreservation.org

January 6, 2014

Administrator Gina McCarthy
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Brownfield Grant, Wood Island Life Saving Station,
Kittery, Maine

Dear Administrator McCarthy:

In 2012 Maine Preservation selected the Wood Island Life Saving Station for its annual list of Maine's Most Endangered Historic Resources. This Station is of great importance to the State of Maine. More detailed information about this selection can be found at <http://mainepreservation.com/wp-content/uploads/2012/09/Wood-Island-Life-Saving-Station.pdf>.

We understand that the Town of Kittery is unable to pay for the cleanup and urgently needed restoration work of Wood Island Station. The building's current state of disrepair has created a hazard for visitors to the island creating a serious liability for the Town. The Town has done an admirable job of coordinating with the nonprofit sector for assistance.

The Wood Island Life Saving Station Association (WILSSA) was formed to help Kittery find a way to pay for the repair and upkeep of the Station once the hazardous materials have been removed. We are pleased that Kittery and WILSSA have come to a written agreement that defines the steps ahead to saving this historic resource of statewide significance.

The first step toward that successful outcome is an application to EPA's Brownfields program to pay for the abatement of the hazardous materials in the Station. Maine Preservation strongly supports the application for this significant historic structure. We also look forward to continuing our close involvement in this important undertaking through its completion.

We have visited Wood Island and provided continuing assistance to WILSSA in terms of methods and approaches for the upcoming repair work. We have also given significant help in providing strategy and in the development of the written agreement between WILSSA and Kittery. The agreement that has been reached here, sharing responsibility and engendering a close working relationship between WILSSA and Kittery, is a model for other communities grappling with similar challenges in these difficult economic times.

Kittery needs help and WILSSA and Maine Preservation are ready to assist them. On behalf of our 1,000 members statewide we request EPA join in this fine example of cooperation and historic preservation by awarding the requested \$200,000 Brownfields grant.

Yours truly,

Greg Paxton
Executive Director

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December 20, 2013

Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Gina,

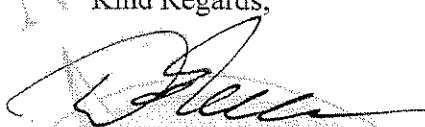
The Maine Island Trail Association (MITA) would like to express our enthusiastic support for the grant application submitted by the Town of Kittery to remove hazardous materials from Wood Island in Portsmouth Harbor. Wood Island is an important community asset in southern Maine, and significant cleanup work is needed to make it safe for local residents and recreational visitors to enjoy.

MITA is a state-wide non-profit organization that manages the nation's oldest recreational water trail. Spanning the entire Maine coast, the Maine Island Trail comprises over 200 sites that are open for public recreation. Through partnerships with private landowners, non-profit organizations, and municipal, state and federal agencies, we encourage responsible, low-impact access to wild islands and provide boater safety education and stewardship services in return.

Wood Island has the potential to become an exceptional recreational resource, but the hazardous materials and unstable structures currently on site make it unsuitable for public visitation. It is our sincere hope that Wood Island will be available for safe public recreation in the near future, and that MITA will be able to include it as part of our water trail. The cleanup and restoration efforts initiated by the Town of Kittery and the Wood Island Life Saving Station Association are vitally important to bringing Wood Island out of obscurity and transforming it into a valuable public asset for all to enjoy.

We urge you to support this critical funding request.

Kind Regards,



Doug Welch
Executive Director

Report to the Town Council – January 13, 2014

Responsible Individuals:

- Russell White, Town Councilor
- Tom Emerson, Chairman, Planning Board
- Gerry Mylroie, Town Planner

Title 16.10.9.1.4 – Approved Plan Expiration
and
16.5.2.4 Permit Period

Background

Amendment language was proposed and discussed at meetings held on June 27 and August 22, 2013, with a public hearing and recommendation to Council on October 24, 2013. Town Council held a public hearing on December 9, 2013, postponed action until December 23, 2013, and again postponed action to January 13, 2014.

Current Situation

Title 16.10.9.1.4 allows the Planning Board to extend subdivision plan approval not to exceed a specified period of time. The Board moved that total subdivision approval extension period be reduced from 10 years to 5 years to encourage project completion.

Title 16.5.2.4 – Permit Period ordinance amendment is grammatical only.

Implication:

It is anticipated that the proposed reduction in the approval extension period will encourage a more timely start and completion of Planning Board approved projects. An approved subdivision may not be subject to subsequent ordinance amendments if it is not commenced or completed within the approved time period. By reducing the extension period from 10 years to 5 years, timely completion is encouraged. Should a project not begin within the approved period, without extensions, building permits may not be issued, and the application must be resubmitted for Planning Board review and consideration.

Recommendation:

Move to amend as presented:

Title 16.10.9.1.4 – Approved Plan Expiration
and

Title 16.5.2.4 – Permit Period

(Note: Councilor Dennett believes this amendment is unnecessary.)

Enclosures:

1. Proposed Amendment
2. Enactment Ordinance

END

16.10.9.1.4 Approved Plan Expiration.

A. A subdivision plan's approval by the Planning Board will expire if work on the development has not commenced within one year or is not substantially complete within three years from the date of Planning Board approval. The Planning Board may, ~~by formal action,~~ grant extensions for an inclusive period from original approval date not to exceed ~~ten (10)~~ five (5) years.

B. A non-subdivision plan's approval by the Planning Board will expire if work on the development ~~has~~ not commenced within one year or is not substantially complete within two years from the date of Planning Board approval. The Planning Board may, ~~by formal action,~~ grant extensions for an inclusive period from original approval date not to exceed three years.

16.5.2.4 Permit Period.

A permit expires if no substantial work has been commenced within six months from date of issue. ~~A permit~~ and expires if work is not substantially complete within two years from date of issue. Expired permits may be renewed upon application and payment of a renewal fee.

END

Title 16.10.9.1.4 Approved Plan Expiration and Title 16.5.2.4 Permit Period

AN ORDINANCE relating to the reduction of total years allowed for Planning Board approved subdivision plan extensions (Title 16.10.9.1.4) from 10 years to 5 years.

The Council is authorized to enact this Ordinance, as specified in Section 2.07 (3) of the Town Charter and 30-A M.R.S. §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, safety and welfare. The Council does not intend for this Ordinance to conflict with any existing state or federal laws.

WHEREAS, existing Title 16 language allows the Planning Board to grant approved subdivision plan extensions up to 10 years from the date of final approval; and

WHEREAS, reducing an approved subdivision plan extension period may encourage more timely project completion; and

WHEREAS, amendment to Title 16.5.2.4 is grammatical only; and

WHEREAS, the proposed amendment language is in compliance with Land Use Code Title 16 and Comprehensive Plan objectives;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER SECTION 2.14, THE TOWN OF KITTEERY HEREBY ORDAINS REVISION TO TOWN CODE TITLE 12.1.2 CODIFIED IN THE TOWN CODE, AS PRESENTED.

Approved as to form: {NAME}, Town Attorney

INTRODUCED and read in a public session of the Town Council on the 9th day of December, 2013, by: _____ {NAME} Motion to approve by Councilor _____ {NAME}, as seconded by Councilor _____ {NAME} and passed by a vote of _____-.

THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery, Maine on the ____ day of _____, 2014, _____ {NAME}, Chairperson

Attest: {NAME}, Town Clerk

Report to the Town Council – January 13, 2014

Responsible Individuals:

- Russel White, Councilor
- Tom Emerson, Chairman, Planning Board
- Robert Melanson, Chairman, Kittery Port Authority
- Gerry Mylroie, Town Planner

Amend Chapter 16.11 Marine-Related Development
--

Background

The Kittery Port Authority voted unanimously on April 4, 2013 to amend Chapter 16.11 (Titles 1-3) related to application submittal requirements. Following discussions on April 25, June 27, July 25 and September 26, the Planning Board voted unanimously at a public hearing on October 24, 2013 to forward the enclosed amendment for Council consideration. Town Council held a public hearing on December 9, 2013, postponed action until December 23, 2013, and again postponed action to January 13, 2014.

Current Situation

Applications submitted for Port Authority review typically include DEP, Army Corps of Engineers and Submerged Lands applications along with the specific designs for piers, wharves, floats, etc. These applications must be submitted to the Town Planner to ‘determine whether the application contains significant upland development and requires Planning Board review’ (16.11.3.A). If the application is determined not to require Planning Board review, the KPA reviews the plans and makes a decision in accordance with KPA Rules and Regulations and Title 16. Current language reads:

Permits, leases, approvals or other documentation required to be submitted include the following:

1. *Department of Environmental Protection permit...*
2. *Army Corps of Engineers permit;*
3. *Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator approval;*
4. *Building permit application.*

The proposed amendment language includes modification of the KPA application review process, revision of application content requirements, review and reporting process, and inclusion of pre- building permit requirements.

Implication:

Code language currently requires approval from federal and state review authorities prior to submittal to the Planning Department or the Port Authority, which could exact a lengthy, and unnecessary, delay upon the applicant prior to beginning the local review process. By comparison, the Planning Board reviews development where federal and/or state review is concurrent and ongoing during the local review process. Final approval may be granted with the condition that all federal and state approvals be received, prior to the issuance of a building permit.

Recommendation:

Move to amend Chapter 16.11 Marine-Related Development as presented.

Enclosures:

1. Proposed Amendment
2. Enactment Ordinance

Chapter 16.11 MARINE-RELATED DEVELOPMENT**16.11.1 Authority and Scope.**

A. Port Authority approval extends from the navigable tidal waters to the mean high water line or upland edge of a coastal wetland.

B. The Port Authority may approve, for convenience of access to a pier from land upland of the mean high water line or the edge of a coastal wetland, an extension of the pier that is the shortest practicable extension at its nominal height and width.

C. Only one pier, ramp and float structure is permitted on any noncommercial or non-industrial lot.

D. Only functionally water-dependent uses are allowed on, over, or abutting a pier, wharf, or other structure beyond the normal high-water line.

E. All other structures upland of, and abutting or built on or over a structure extending into a water body beyond the mean high water line or the edge of a coastal wetland require Planning Board approval.

F. Where the Planning Board must review and approve a development plan involving a pier, ramp, flotation system or principal marine structure, prior to Planning Board approval, the Port Authority must comment on the plan's conformance with Port Authority rules and regulations and navigational aspects of any proposed pier, ramp and float system or principal marine structure.

G. The Kittery Port Authority (KPA) through its established *Rules and Regulations* reviews and approves applications for piers, wharves, landings, floats, bridges, and other water-dependent structures or uses. Applications are available online and at the Town Offices and are submitted to the Planning and Development Department with the required copies and application fee. Applications that contain upland development within 100 feet of the upland edge of a coastal or freshwater wetland, must be submitted as a separate application for Planning Board review and approval and include all information required in 16.11.2 below.

H. KPA applications must be reviewed by the Town Planner and Code Enforcement Officer prior to the KPA Chairperson reviewing for completeness and placement on the Port Authority's agenda.

16.11.2 Application.

~~A. Applications for piers, wharves, landings, floats, bridges, and other water-dependent structures or uses are available online and in the Planning and Code Enforcement Offices. The completed application, including all supportive documentation, must be submitted to the Town Planner. Shorefront development applications for marine-related use must include the following:~~

~~B. Shorefront development plans for marine-related use must include the following:~~

~~1. Map Aerial photographs and vicinity maps and plans showing the property in relation to surrounding properties, and the location of the lots that would have use of the pier, ramp and float system. Maps and plans to include:~~

~~2a. Construction plans for of piers, ramps and floats;~~

~~3b. Clearing Areas of vegetation clearing;~~

~~4c. Location of of required parking space(s)-required; and~~

~~5d. Storage of boats and/or floats Location of boat and/or float storage.~~

~~G2. Rights granted for access to the pier, ramp and float system or to any water-dependent structure; public and private access paths;~~

~~D3. Documentation addressing visual impact and controls to assure continuing conformance to the shorefront development plan and this Code;~~

~~E4. The applicant must show at submittal that all necessary applications for Permits permits, leases, approvals, or other and any supporting documentation as may be required to be submitted have been filed, include including the following:~~

~~4a. Department of Environmental Protection permit application pursuant to the Natural Resources Protection Act, 38 M.R.S. §480C;~~

~~2b. Army Corps of Engineers permit application;~~

~~3c. Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator approval application; and~~

~~d. Building permit application.~~

~~F5. Any other details requested by the Planning Board or Port Authority.~~

16.11.3 Shorefront Development Plan Review.

~~A. The Town Planner will determine whether the application contains significant upland development and All applications containing upland development requires Planning Board review, excluding development as described in Title 16.11.1.B.~~

~~B. If Planning Board review is not required, the Town Planner in consultation with the Code Enforcement Officer will review the application for land use compliance with this Code, and forward and issue a written record of findings to the Planning Board and Port Authority, and forward the application to the Port Authority for processing.~~

~~C. If Planning Board or Board of Appeals review is required as an integral part of the proposed development, the Planning Board or Board of Appeals review will be completed prior to Port Authority review.~~

~~D.C.~~ The Town Planner must transmit copies of Planning Board decisions and the Code Enforcement Officer must transmit copies of Board of Appeals decisions and all documentation constituting the record of the decision for marine-related development to the Port Authority.

~~E.D.~~ The Port Authority will notify the applicant and the Code Enforcement Officer in writing of the granting of, or denial of, the applicant's request.

~~E.~~ All required local approvals, federal and state approvals and/or permits must be received in the Planning Office prior to the issuance of a building permit by the Code Enforcement Officer.

F. Prior to the commencement of construction on any pier, dock, wharf, marina or any other proposed use that projects into a water body, the owner and/or developer must apply for, and ~~acquire~~ obtain a building permit from the Code Enforcement Officer.

END

Chapter 16.11 Marine-Related Development Ordinance Enactment

AN ORDINANCE relating to Marine-Related Development, including the review process for applications before the Kittery Port Authority and Planning Board, and application approval.

The Council is authorized to enact this Ordinance, as specified in Section 2.07 (3) of the Town Charter and 30-A M.R.S. §3001, pursuant to its powers that authorize the town, under certain circumstances, to provide for the public health, safety and welfare. The Council does not intend for this Ordinance to conflict with any existing state or federal laws.

WHEREAS, existing language requires federal and state permits prior to local application review and, given the limited construction season in Maine, potentially resulting in unnecessary and costly delays; and

WHEREAS, review of applications by federal and state authorities concurrently with local review is the standard process for other development projects in the Town of Kittery; and

WHEREAS, the existing review process, application requirements and final approval language for Marine-Related Development was unclear; and

WHEREAS, resolution of these issues would provide for a more efficient review process of applications before the Kittery Port Authority and the Planning Board, while insuring compliance with the intent of Chapter 16.11;

NOW THEREFORE, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER SECTION 2.14, THE TOWN OF KITTERY HEREBY ORDAINS REVISION TO TOWN CODE CHAPTER 16.11 MARINE-RELATED DEVELOPMENT CODIFIED IN THE TOWN CODE, AS PRESENTED.

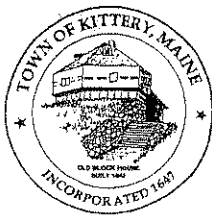
Approved as to form: {NAME}, Town Attorney

INTRODUCED and read in a public session of the Town Council on the 9th day of December, 2013, by: _____ {NAME} Motion to approve by Councilor _____ {NAME}, as seconded by Councilor _____ {NAME} and passed by a vote of _____.

THIS ORDINANCE IS DULY AND PROPERLY ORDAINED by the Town Council of Kittery, Maine on the ___ day of _____, 2014, _____ {NAME}, Chairperson

Attest: {NAME}, Town Clerk

END



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

Applicant's name: Hobie's Grill, LLC
(please print)

Residence Address: 34 Pinewood Dr. Stratham, NH
(please print)

Applicant's mailing address if different from above: PO Box 23 N. Billerica, MA 01862

Applicant's Date of Birth: 3-25-62 Applicant's Home Telephone Number: 978-726-5355

Name of Business: Hobie's Grill
(please print)

Business Address: Super Shoes US Rte 1, Kittery, ME
(please print)

Business Telephone Number: 978-726-5355

SIGNATURE OF APPLICANT: Colette J. Fairman DATE: 12-12-13

APPLICANT'S NAME: Colette Fairman
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

December 1, 2013

To: Kittery Planning

We currently own and operate Hobie's Grill, LLC, a food cart at the Portsmouth Home Depot. We are comfortable with what is necessary from a Health and Safety standpoint. We are currently working with health Inspector, Scott Davis in Augusta Maine to insure all requirements will be met.

DEC 2 2013 @11:19

To be located at Super shoes parking lot.

This custom manufactured cart will be 12' x 8' and located in the parking lot of the Super Shoes store. This will be a seasonal cart. Hours will be approx. 10AM to 4PM. It will be on a single axle trailer and will be legal for highway traveling in Maine, per the DOT. The outside will be a combination of metal and wood siding with a metal roof. We will provide pictures of the approximate motif. We will be serving sausage subs, shaved cheese steak subs, hot dogs, chips, drinks and may add items depending on public demand. Food will be kept in a NH State approved commissary, Great Bay Services, located in Portsmouth. The above has also been discussed with the Maine health inspector.

The cart will include a flat top griddle, exhaust system, steamer, small deep fryer and a microwave. It will have a 3-bay sink plus a hand wash sink, along with a fresh water tank, grey water tank and an instant hot water heater. There will be 1 to 2 people working in the cart at any time, and at least one of these will be Safe Serve Certified. We will utilize the rest room facilities of Super Shoes.

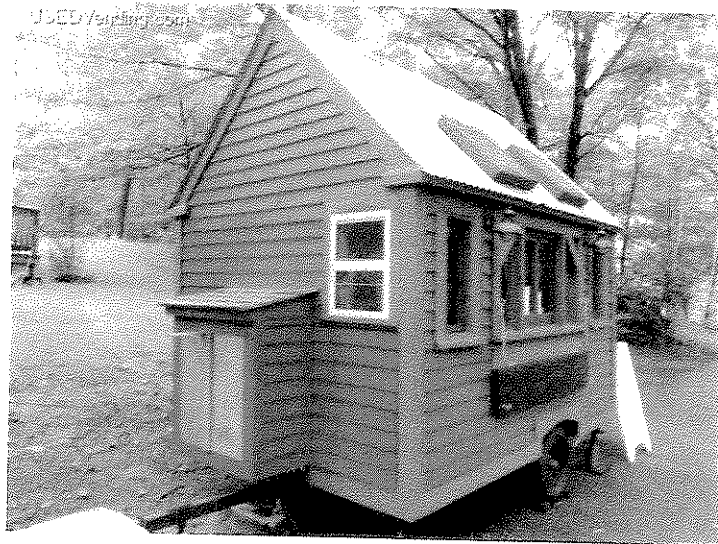
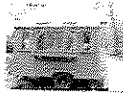
Please contact us with any questions.

Best regards,

Mark & Colette Fairman

Hobie's Grill, LLC

978-726-5355



2013- 10' x 8' Custom Built Wood Cabin Concession Trailer!!



Outlet Mall of Kittery

Kittery Premium Outlets

Google Earth

1992

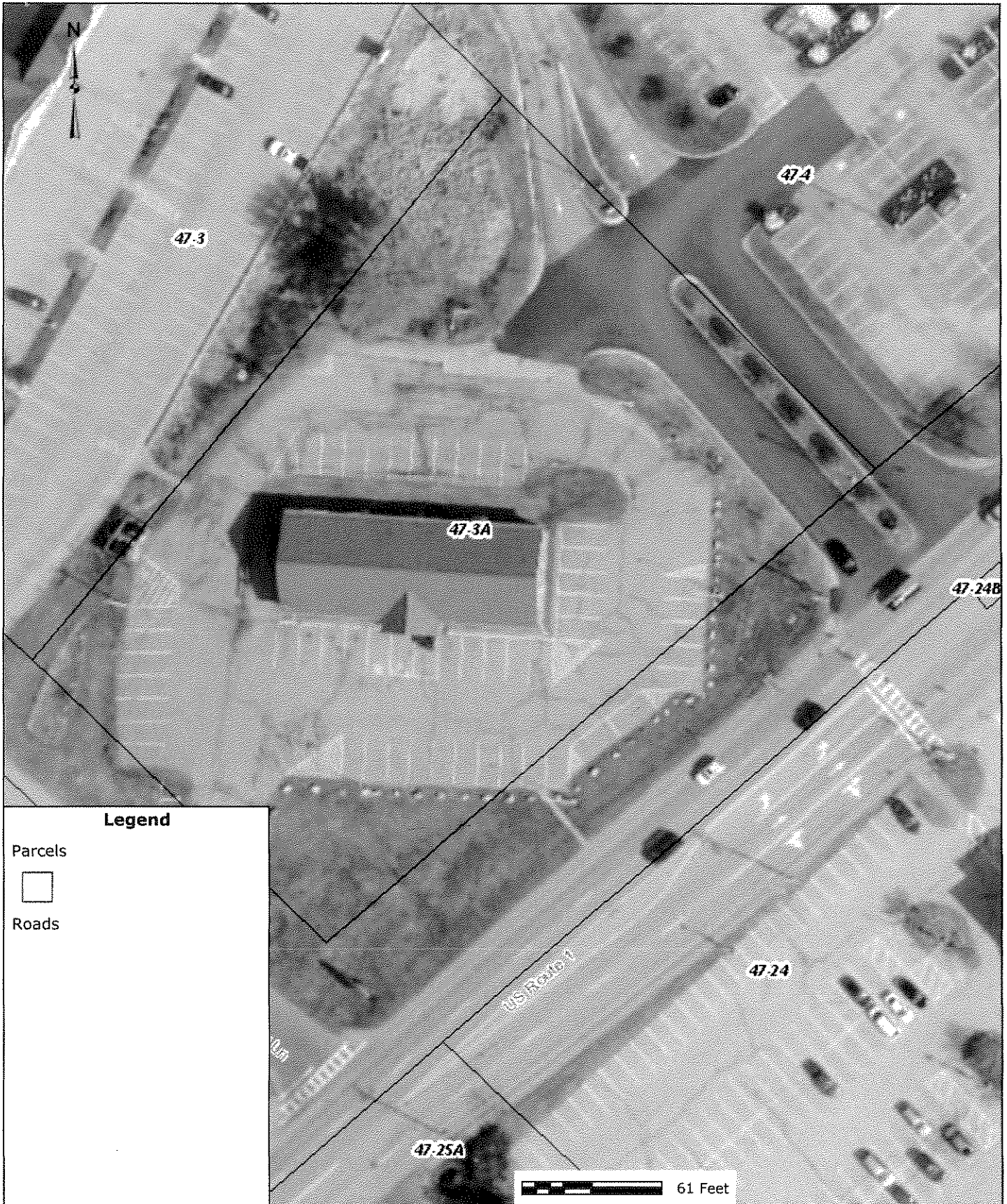
Imagery Date: 4/7/2013

43°06'58.74" N

70°43'42.01" W

elev 27 ft

eye alt 360 ft



**Town of Kittery,
Maine**

SUPER SHOES

This information has been compiled from various public and private sources. While every attempt has been made to provide accurate information, neither the municipality nor the service host guarantee the accuracy of information provided herein.

Property Location: 355 US ROUTE 1 Vision ID: 2968		MAP ID: 47/3/A //		Bldg Name:		State Use: 3220	
Account # 47/3A		Bldg #: 1 of 1		Card 1 of 1		Print Date: 12/11/2013 08:30	

CURRENT OWNER DCSAP LTD 10365 MT SAVAGE ROAD NW CUMBERLAND, MD 21502 Additional Owners:		UTILITIES 1 All Public		STRT./ROAD 1 Paved		LOCATION 4 Bus. District		CURRENT ASSESSMENT Code Description 3220 COMMERC. 3220 COM LAND 3220 COMMERC.		Assessed Value 260,700 2,087,700 28,800		4513 KITTERY, ME	
SUPPLEMENTAL DATA Other ID: Sub-div Photo Ward Prec. Tree Growth		SUPER SHOES 101150 TIF		ASSOC PID#		Total: 2,377,200		Total: 2,377,200		VISION			

RECORD OF OWNERSHIP DCSAP LTD DCSAP LTD		BK-VOL/PAGE 6797/ 212 3508/ 330		SALE DATE 11/04/1993 U 04/25/1985 U		SALE PRICE 0 IN 0		PREVIOUS ASSESSMENTS (HISTORY) Yr. Code Assessed Value Yr. Code Assessed Value 2014 3220 260,700 2013 3220 336,800 2014 3220 2,087,700 2013 3220 2,087,700 2014 3220 28,800 2013 3220 22,100		Total: 2,377,200 Total: 2,446,600	
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EXEMPTIONS Year Type Description Amount		OTHER ASSESSMENTS Code Description Number Amount Comm. Int.	
Total:		Total:	

ASSESSING NEIGHBORHOOD NBHD Name Street Index Name Tracing Batch		NOTES BASEBOARD STILL IN ALSO	
0001/A		DEXTER SHOE 101150 OOB SUPER SHOES 101150 LOB STYLE, CATH C NT WALLS=WOOD HEAT=3 DUCTS UPSTAIRS+ DOWN ALONG FAR WALL SOME.	

APPRAISED VALUE SUMMARY Appraised Bldg. Value (Card) Appraised XF (B) Value (Bldg) Appraised OB (L) Value (Bldg) Appraised Land Value (Bldg) Special Land Value Total Appraised Parcel Value Valuation Method: Adjustment:		255,900 4,800 28,800 2,087,700 0 2,377,200 C 0	
Net Total Appraised Parcel Value		2,377,200	

BUILDING PERMIT RECORD Permit ID Issue Date Type Description Amount Insp. Date % Comp. Date Comp. Comments		VISIT/CHANGE HISTORY Date Type IS ID Cd. Purpose/Result	
91-161 11/27/1991 CM 400		05/15/2013 ST 68 Field Review 02/02/1998 MH 00 Measur+ Listed 05/19/1988 LS 40 No change	

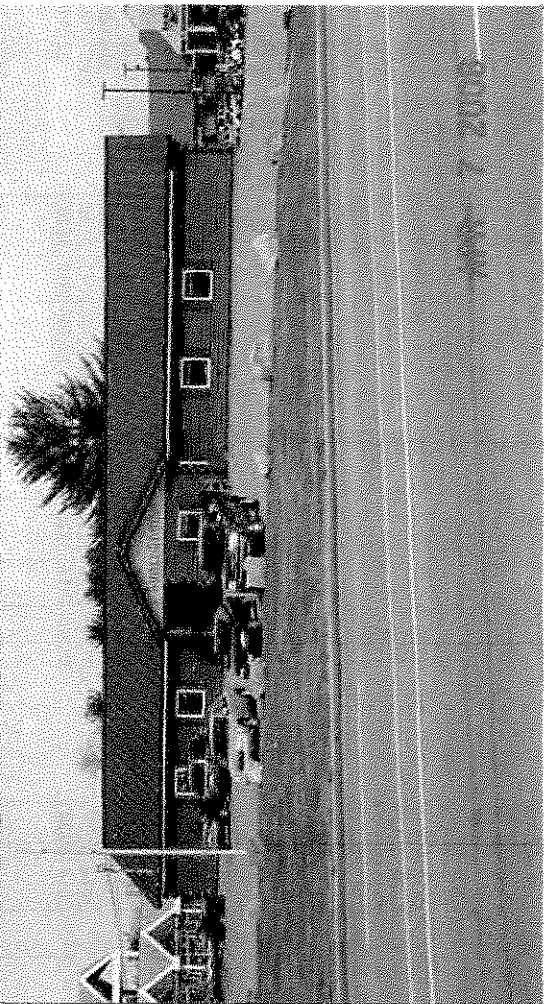
LAND LINE VALUATION SECTION B Use Code Use Description Zone D Front Depth Units Price Unit Price		ST. Idx 3221 STORE/SHOP MDL-96 C 43,560 SF 3.06 3220 STORE/SHOP MDL-94 C 1.00 AC 133,000.00		Acre Disc 8.0000 A 1.0000 8.0000 A 1.0000		C. Factor 0.98 0.98		Notes-Adj 2% ROW		Special Pricing		S Adj Fact Adj. Unit Price Land Value 1.00 1.00 23.99 1,045,000 1.00 1,042,726.00 1,042,700	
Total Card Land Units: 2.00 AC Parcel Total Land Area: 2 AC		Total Land Value: 2,087,700		Total Land Value: 2,087,700		Total Land Value: 2,087,700		Total Land Value: 2,087,700		Total Land Value: 2,087,700			

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)								
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description					
Style	17		Store									
Model	96		Ind/Com Open									
Trade	04		Average +10									
Stories	1											
Occupancy	1											
Exterior Wall 1	09											
Exterior Wall 2												
Roof Structure	03		Gable/Hip									
Roof Cover	03		Asph/F GlS/Cmp									
Interior Wall 1	07		Knotty Phe									
Interior Wall 2												
Interior Floor 1	05		Vinyl/Asphalt									
Interior Floor 2	14		Carpet									
Heating Fuel	04		Electric									
Heating Type	04		Forced Air-Duc									
AC Type	02		Heat Pump									
Bldg Use	3221		STORE/SHOP MDL-96									
Total Rooms												
Total Bedrms	00											
Total Baths	0											
Heat/AC	01		HEAT/AC PKGS									
Frame Type	02		WOOD FRAME									
Baths/Plumbing	02		AVERAGE									
Ceiling/Wall	06		CEIL & WALLS									
Rooms/Prtus	02		AVERAGE									
Wall Height	8											
% Conn Wall	0											
OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)				OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)								
Code	Description	Sub	Sub Description	L/B	Units	Unit Price	Yr	Gde	Dp Rt	Cnd	%Cnd	Apr Value
PAV1	PAVING-ASPI			L	22,000	1.76	1998	0			60	23,200
AT5	MERC VAP/FI			L	6	1,560.00	1998	0			60	5,600
MEZ2	FINISHED			B	480	18.00	1991	2			100	4,800
BUILDING SUB-AREA SUMMARY SECTION				BUILDING SUB-AREA SUMMARY SECTION								
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undepr. Value						
3AS	First Floor	4,400	4,400	4,400	78.00	343,204						
3BM	Basement, Finished	0	0	4,400	46.80	205,923						
3EP	Porch, Enclosed, Finished	0	0	96	50.38	4,836						
3OP	Porch, Open, Finished	0	0	120	19.50	2,340						
Ttl. Gross Liv/Lease Area:				4,400	9,016	7,132	556,303					

13	110	40
FOP	6	BAS
1212	6	FBM
27	42	68
FOP	6	FEP
1212	6	16
6	8	6

APR 7 2008

13	110	42	68
FOP	BAS	FOP	FEP
6	FBM	6	16
1212		6	16
6			6
27			
40			



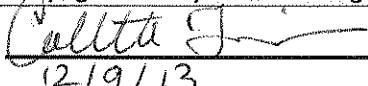
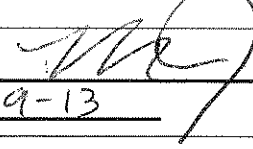


TOWN OF KITTERY MAINE
TOWN PLANNING AND DEVELOPMENT DEPARTMENT

200 Rogers Road, Kittery, Maine 03904
Phone: (207) 475-1323 Fax: (207) 439-6806
www.kittery.org

APPLICATION: BUSINESS USE CHANGE

THIS REVIEW PROCESS REQUIRES APPROVAL FROM BOTH THE TOWN PLANNER AND THE CODE ENFORCEMENT OFFICER				FEE		<input checked="" type="checkbox"/> \$100.00 plus	Amount Paid: \$ <u>100</u> Date Submitted: <u>12-3-2013</u>	
PROPERTY DESCRIPTION	Parcel ID	Map	Lot	Zone:	Base	Overlay	Total Land Area	
	Physical Address							
<p>47 355 US Rte. 1 Kittery, ME 03904 85,870 SF</p>								
PROPERTY OWNER'S INFORMATION	Name	Super Shoes			Mailing Address	355 US Rte. 1		
	Phone	207-439-3667				Kittery, ME 03904		
	Fax	207-439-7690						
	Email							
APPLICANT INFORMATION	Name	Hobie's Grill, LLC			Mailing Address	Hobie's Grill LLC		
	Phone	978-726-5355				PO Box 23		
	Fax					N. Billerica, MA 01862		
	Email							
PROJECT DESCRIPTION (See sections below regarding information to be provided.)								
Existing or previous use(s):		Super shoes / Parking Lot for Retail Use						
Other on site use(s):		None						
Proposed Business Name:		Hobie's Grill		Proposed Hours of Operation		Seasonal 10am-4pm		
Proposed Use or Uses:		Seasonal Food Cart						
Please briefly describe the proposed project:		See attached						
Describe all land or structural modifications that will be made on the property:		None						
Number of people that will work, reside or visit the property during a typical weekday and weekend?		1-2						

Number of off-street parking spaces that will be provided:	Existing parking 03 spaces
If the property will be used for storage, what, how and where will it be stored? (Also show on a site plan)	
N/A Will Not be Used	
Describe any foreseeable odor, smoke, gases, light, dust, vibrations or noise omitted beyond the property's boundaries:	
NONE	
Describe any improvements (buffering, vegetation, permeable surfaces, ect...) that will be made to the property that will enhance the surrounding environment: (Also place on site plan)	
NONE	
I certify, to the best of my knowledge, the information provided in this application is true and correct and I will not deviate from the plan submitted without notifying the Kittery Town Planning and Department of any changes.	
Applicant's Signature: Date:	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">  12/9/13 </div> <div style="width: 45%;">  12-9-13 </div> </div>

Minimum Submission Requirements

1) Application and Payment of Fee(s)

2) Site Plan (see minimum plan requirements below)

3) Floor Plan (include dimensional figures and label what areas will be used for)

4) Mail Copy of Plans to:

Office of the State Fire Marshall
Inspections / Plans Review Division
52 State House Station
Augusta, Maine 04333-0052

Make sure to sure to obtain a packing slip or proof of mailing and include the slip or a copy with your application submission.

5) Completed Building Permit Application

Economic Development Committee Charge

THE KITTERY TOWN COUNCIL:

Hereby establishes the Kittery Economic Development Committee as follows:

1. The Committee consists of seven voting members including the following: membership: Town Council representative – 13; business and industry representatives (note: other who are non-t resident voters representatives may be appointed as non-voting advisory members) – 3; -citizen at large representatives – 3; Ex Officio non- voting members are appointed as follows: Town Manager and; Town Planner. The Committee is to elect ~~Co-~~ a Chairs and Vice Chair from the Business and Citizen voting members. A quorum is a simple majority of voting committee members. Per Town Charter section 2.07 (2) only a “qualified resident voter” may vote. If a voting member has three consecutive unexcused absences, he or she will be considered as having resigned.
2. The Council wishes the Committee to establish and coordinate an economic development program for the Town as laid out at Attachment 1. The Committee may from time to time make recommendation to Council for revisions or amendments to its scope, authority, or other program requirements it deems necessary.
3. The Council allocates meeting space and some level of administrative support (e.g. copying) until the Committee submits a request and receives approval for necessary funding.
4. The Council wishes the Committee to submit periodic progress and status reports no less often than quarterly.
5. The Committee will hold its first meeting on DATE at TIME at Town Hall; elect the chairs and organize itself; meet as often as it determines necessary to complete its task; and, achieve the objectives laid out herein.
6. The Committee reports to the Council as a whole through its Chairs. It has no authority with members of municipal staff, except as it may be requested of, and directed by, the Town Manager.
7. The Committee stands dissolved on December 31st, ~~2013~~ 2014, unless its term is extended by the Council prior to that date.

1 Attachment

Kittery Economic Development Committee

COUNCIL CHAIRPERSON / VICE CHAIR – 1ST ORDER OF BUSINESS AFTER SWEARING IN.

Jeffrey Thomson, Chair
Russell White, Vice Chair

CIP COMMITTEE

Denault, Charles

COMPREHENSIVE PLAN UPDATE COMMITTEE

White, Russell

ECONOMIC DEVELOPMENT COMMITTEE

Denault, Charles
Thomson, Jeffrey
Vacant

ELIOT SEWER COMMITTEE

Beers, Gary (citizen liason)

KITTERY COMMUNITY CENTER BORD OF DIRECTORS

Thomson, Jeffrey (until 3/26/15)

MARY SAFFORD WILDES TRUST

Thomson, Jeffrey, Chair

OPEN SPACE ADVISORY COMMITTEE

White, Russell

ORDINANCE REVIEW COMMITTEE

Vacant

RECYCLING SCHOLARSHIP SELECTION COMMITTEE

Denault, Charles

SAFFORD SCHOOL PRESERVATION COMMITTEE

Spiller, Judy

SHARED SERVICES COMMITTEE

Denault, Charles
Spiller, Judy

THRESHER MEMORIAL PROJECT GROUP LIASON

Beers, Gary (citizen liason)

WARRANT REVIEW - MUNICIPAL EXPENSE

Dennett, Frank
Brake, Jeffery
Pelletier, Jeffrey

WARRANT REVIEW – MUNICIPAL EMPLOYEE WAGES & BENEFITS

Brake, Jeffery
Thomson, Jeffrey
White, Russell

WARRANT REVIEW – SCHOOL EXPENSE

Thomson, Jeffrey

Brake, Jeffery

Spiller, Judy

WARRANT REVIEW – SCHOOL EMPLOYEE WAGES & BENEFITS

Kenneth Lemont

Patti Ayer

Kimberly Bedard

WOOD ISLAND PRESERVATION COMMITTEE

Spiller, Judy

Pelletier, Jeffrey

REPORT to the KITTELY TOWN COUNCIL - ORDINANCE REVIEW COMMITTEE

Responsible Individual: Councilor Charles Denault

Date: 12/23/2013

Subject: Written Notice of Proposal to Amend Council Rules, Monday, December 23, 2013

This is to serve notice according to Council Rules Section 10 of an agenda item for Council's Regular Meeting on Monday, January 13, 2014 to consider an amendment to Council Rules as follows:

SECTION FIFTEEN. STANDING COMMITTEES

B. The Ordinance Review Committee consists of two members ~~of the Council appointed annually at the first-second Regular meeting after the in November municipal elections, or as soon thereafter as possible. One member must be a Councilor; one may be selected from the voters at large. All communications should be in coordination with the Town Manager~~ The Council expects ex officio participation and contribution from town boards, committees, and municipal staff, as necessary as determined by the Committee.

The Committee is to conduct a review and evaluation of any non-appropriation ordinance proposal prior to Council Public Hearing on the matter. The Committee is to:

- provide a report of review results to Council at an appropriate level of detail;
- ensure that form and format are consistent with the codification structure and style;
- verify that enactment legislative introductory language meets legal prerequisites;
- note any substantive debatable issues identified, and,
make a recommendation for ordainment;
- Complete the Town Code Recodification process began in 2010, and,
- Conduct a legal and technical review of such other documents presented to Council, as Council may direct from time to time.

Amended: (_____)
 (date)



TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0452 Fax: (207) 439-6806

RECEIVED

BY: _____

APPLICATION TO THE KITTERY TOWN COUNCIL
TO APPROVE UP TO FIVE (5) REQUESTED DATES
FOR TOWN-WIDE SIDEWALK SALES EVENTS

1. List requested dates and days of the week for up to five (5) sidewalk sales events

in this calendar year (each event not to exceed four days):

Event #1: May 23 - 26
Event #2: July 3 - 6
Event #3: July 31 - Aug 3
Event #4: Aug 29 - Sept 1
Event #5: Oct 10 - 13

2. List the names and show signatures of five (5) merchants primarily engaged in retail trade or landlords of tenants primarily engaged in retail trade supporting this application:

<u>Name:</u>	<u>Affiliation:</u>	<u>Signature:</u>
A. <u>Mari Hoell</u>	<u>Tanger Outlets</u>	<u>[Signature]</u>
B. <u>Carolyn Barron</u>	<u>Coldwater Creek</u>	<u>[Signature]</u>
C. <u>Elizabeth Fournier-Land</u>	<u>Kittery Premium Outlets</u>	<u>[Signature]</u>
D. <u>Michael St. Hilaire</u>	<u>Calphalon Kitchen Outlet</u>	<u>[Signature]</u>
E. <u>David Rinaldi</u> DAVID RINALDI	<u>Wilson's Leather Outlet</u>	<u>[Signature]</u>

continued...

RECEIVED

**APPLICATION TO THE KITTERY TOWN COUNCIL TO APPROVE UP TO FIVE (5)
REQUESTED DATES FOR TOWN-WIDE SIDEWALK SALES EVENTS (Continued)**

3. Indicate means of informing the Kittery business community of the opportunity to participate in the town-wide sidewalk sales event(s) should it be approved:

(Please circle at least one "yes" response)

☒ Yes No Post notices in conspicuous locations around town, including on KOA's website and the Town Office, stating the dates of the event and the requirement for a town-approved sidewalk sales site plan for merchants to participate.

☒ Yes No Insert a notice or article in the Greater York Chamber of Commerce newsletter or website.

☐ Yes ☐ No Place a legal notice in a newspaper of general circulation at least ten (10) days preceding the event.

Other methods: _____

4. Name of applicant/contact person coordinating the event(s):

NAME:

Lynn M. Smith

SIGNATURE:

Lynn M. Smith

ADDRESS:

PO Box 357 - The Kittery Outlets

TELEPHONE #:

207-439-4367

E-MAIL (OPT.):

Lynn@theKitteryOutlets.com

Kittery Community Center/Recreation Department Proposal Eyes of the World Discovery Center/Preschool Program

January 7, 2014

Executive Summary

The Eyes of the World Discovery Center at the Kittery Community Center is experiencing difficulty maintaining qualified head teachers for all three classrooms. The classrooms have children representing the following age groups: two year olds; three year olds; and four and five year olds. This profession is not known for high wages and we are competitive in that area. However, by not providing benefits for the two additional head teachers, it is making it impossible for us to be competitive and to retain staff. We have lost three teachers for the 2 year old classroom since July. This is a critical time developmentally for this age group as they are going to a daycare environment for the first time away from their caretakers. They must be provided a safe, consistent, secure, loving, and patient environment with the ability to learn trust and boundaries from staff. Consistency with the same teachers assists in accomplishing this experience. This age group is a difficult group to find the perfect head teacher and we are being extremely selective. We have switched things around in this room so that Heather Boyd is teaching the two year olds until we find a replacement. Keeping Heather in our employ is critical to our overall program. Heather has been with the KCC since we opened in the summer of 2012. She has many years of experience working with children and is nearly finished with her Master's Degree. Heather is the sole provider for her family of four and she needs insurance. This request has been expedited as we realized that we were not able to keep head teachers if only offered part time employment; the program needs a supervisor later in the afternoon; Heather's position must work more than 29 hours; and we want to keep Heather as an employee .

I have adjusted the preschool budget in such a way that this position will not cost the department bottom line more for the rest of this year. I am not filling

teacher for one classroom. With this proposal being accepted we will now have two of the three positions of concern full time.

Facts Bearing on the Equation

On October 15, 2013, I met with Acting Town Manager Maryann Place and HR Director Betsy Oulton. I expressed my concern regarding the turnover of head teachers in the preschool and that I had already lost three since July. I spoke about the importance of needing stability and consistency within those classrooms to keep the parents happy with our program and for the children to receive continued quality care.

Current Situation

On October 15, 2013, I was told the process to make Heather full time and all agreed that it was in the best interest of the program to continue with this proposal. Heather was approved to work 40 hours a week until she was officially full time and her new job description was approved. This has been delayed getting this scheduled due to holidays, and waiting for our new Town Manager to start and be brought up to speed.

Proposed Solution/Recommendation

Move this proposal forward to make Heather full time and the Assistant Early Childcare Supervisor/Head Teacher of Eyes of the World Discovery Center.

Rationale for the Proposed Solution (including costs)

This position will be paid in total by the existing budget. Heather currently receives \$13 an hour and once officially full time she will be paid \$15 an hour with benefits. The program revenue more than pays for the costs associated with this entire program. It actually funds other programs as well and is one third of our collected revenues.

Heather Hatada Boyd

42 Wyman Avenue · Kittery · ME 03904 · (603) 866-9797 · heatherhatada@gmail.com

Education

UNH Campus-American Heart Association

Standard First Aid with CPR/AED-Adult and Child plus CPR-Infant –August, 2011

Antioch New England Keene, NH (2010-2013)

Autism Spectrum Disorders Masters level Courses for personal enrichment-Spring 2013

Madonna University, Livonia, MI (2003-2007)

BFA-Spring 2007

Portsmouth High School, Portsmouth, NH (1992)

Employment History

Sandpiper Room and First Grade German class-Assistant Teacher-Tidewater Waldorf School, Eliot, Maine

Contracted for current school year with option to renew for 2012-2013 school year.

Administrative Assistant-Human Capital Management, Direct Capital Corporation, Portsmouth, NH

December 2007-April 2011

Art Instructor/Art Education Consultant-Children's Programs, Strawberry Bank Museum, Portsmouth, NH

August/September 2010; Available on as need basis for Children's Programming.

Admissions Representative, Hesser College Portsmouth, Portsmouth, NH

August 2009-April 2010

PEAK Program Teacher, Child Care Center-Community Campus, Portsmouth, NH

August 2007-December 2007

Admissions Clerk and Librarian, Madonna University, Livonia, MI

September 2003-April 2007

Monster Club Coordinator/Art Education and Activities Coordinator, Meadowood Park Apartments, Wixom, MI

October 2002-April 2007

Food/Clothes Closet and Tutoring Coordinator, Meadowood Park Apartments, Partnering with C3, Wixom, MI

October 2002-April 2007

Qualifications Summary

- | | | | |
|------------------------|----------------|-----------------------|-----------------|
| • Lesson Planning | • Fund Raising | • Advertising | • Clerical |
| • Continuing Education | • Recruiting | • PBX Meridian System | • Sales |
| • ASD Training | • Training | • Cash Management | • Inventory |
| • Abi Word | • Scheduling | • Microsoft Word | • CPR/First Aid |

Experience Highlights

• Administrative Assistant at Direct Capital Corporation for Human Resources; Created fliers, ran background checks, reviewed and input resumes into system, appointment setting, organized calendars, copy, scan, fax, scheduled interviews, screened potential candidates, sorted mail, welcomed visitors and issued security passes, basic clerical, alpha numeric filing, Windows based calendars and scheduling.

• I was contracted by Strawberry Banke last Spring/Summer to teach Art classes for children.
Available on an as need basis for future projects. Work directly with curator, Kimberly Alexander.

Community Involvement

- Strawberry Banke member, instructor and volunteer for children's events/special events
- ARS/Aids Response Seacoast Volunteer

Madonna University

*By the authority of the Board of Trustees
upon the recommendation of the Faculty confers upon*

Heather Silva

the degree of

Bachelor of Arts

*with all the rights, privileges and honors pertaining thereto, in recognition of the
satisfactory fulfillment of the requirements. Given at Livonia, Michigan,*

this 28th day of July 2007



Paula

Chairman, Board of Trustees

Dr. Leo Marie Payne, Esq.
President of the University

Heather Hatada Boyd

Student ID# 0319135

Cell: 207-216-0927

Email: hhatadaboyd@antioch.edu

Program Plan-Experienced Educators-Self Designed Program

Summer 2013

Child Study Practicum (3)

Ecology of Imagination (1)

Fall 2013

Movement and Storytelling (1)

Landscape Analysis and Design for Nature Play and Learning (1)

Spring 2014

Curriculum Practicum (3)

-ECE Pre K-3rd Grade(2)

-Creative Book Binding(1)

Summer 2014

Developing Mind (Face to Face) (3)

Equity And Change Practicum (3)

Fall 2014

Working with Parents and Community (1)

Risk Management for Nature Based Early Childhood (2)

ANTIOCH UNIVERSITY NEW ENGLAND
KEENE, NEW HAMPSHIRE 03431

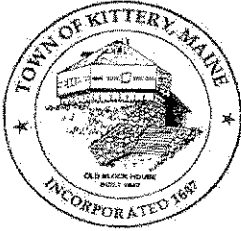
Ms. Heather L. Hatada Boyd
42 Wyman Ave
Kittery, ME 03904

SS# XXX-XX-3965

Program: Experienced Educators With Self Designed Concentration
Department: Education

=====

COURSE #	TITLE	COURSE CREDIT VALUE	CREDIT EARNED	EVALUATIVE RATINGS ON LEARNING			
				#1	#2	#3	#4
DIMENSIONS							
----- Fall 2009 -----							
PYB 530	Intro Autism Spectrum Disords	1.0	1.0	G	G	G	G
PYB 532	Sensory Iss Indiv Autism Spect	1.0	1.0	G	G	G	G
PYI 535	Intro Couns Intrvntns ASD	1.0	1.0	V	G	G	G
PYI 542	Training Social Use Language	1.0	1.0	U	S	S	S
PYI 544	Educ Intrvntns ASD I	1.0	1.0	G	G	G	G
	Semester	5.0	5.0				
----- Fall 2011 -----							
EDC 659	Living Arts I	1.0	1.0	E	E	V	E
EDP 623	Social Inclusion	1.0	1.0	E	E	E	E
	Semester	2.0	2.0				
----- Sem - AUNE Summer 2013 -----							
EDC 528	Ecology of Imagination	1.0	1.0	E	E	E	E
EDR 692	Practicum-Child Study	3.0	3.0	E	G	V	V
	Eyes of the World Discovery Center Kittery, ME						
	Semester	4.0	4.0				
*** CONTINUED ***							



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council January 13, 2014

1. **Distressed Property** - I have received an email from the property owner, indicated that he is working with the Police Department to post the property with enforceable "No Trespassing" signs to assist the patrol officers in their monitoring of the property. I have attached the email from Mr. Sowerby to this report.
2. **Pepperell Cove Town Landing "BIG" Project** – We have received notice from the State with their commitment to provide additional funding for Alternates 16 & 17. For the purposes of the grant agreement, the budget is as follows:

Source of Funds	Amount	Budgeted Expenditures	Amount
BIG (Federal) Funding	\$242,866	Base Bid	\$283,850
Town of Kittery	\$90,000	Design	\$25,000
State Funding	\$70,084	Construction Oversight	\$5,000
		Alternates #16&17	\$97,000
TOTAL	\$410,850		\$410,850

As agreed, we will perform the underground utility work with our own forces and resources. These items are not part of the formal grant agreement but are understood by Maine DOT authorities as our commitment. Finance Director Cindy Saklad reports that our Auditor has recommended a Council vote pursuant to Section 6.09 (4) of the Charter accomplish the transfer of funds between existing CIP line items. I will prepare this for the Council's consideration at its January 27th meeting.

3. **Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Changes** – We will meet with officials from FEMA on January 9, 2014, and I will have a more detailed report on the timeframes associates with the map appeals process by Monday evening. Further, the Planning and Development Department has identified approximately 75 properties that have become part of the new FIRMs. We will be sending notices to owners each of these properties, advising them to consider how these changes may affect them.

We have established a web page for residents to gather more information as to the implications of these changes on their properties. It is located here:

http://www.kitteryme.gov/Pages/KitteryME_Planning/FEMA%20Draft%20Maps.

Nancy Colbert Puff

From: davidsowerby [dss@maine.rr.com]
Sent: Monday, January 06, 2014 3:51 PM
To: Nancy Colbert Puff
Subject: homestead

Nancy Colbert Puff Kittery town manager As you know the Homestead property on Rte. 1 has been designated for demolition by the town of Kittery. The project was sent out for bids in the spring of 2013, bids accepted and we started in July. As there was a significant issue with asbestos the contractor had arranged for the disposal at the land fill in North Berwick. We barely got started when that site closed permanently and we had to stop work until another approved site could be located. The nearest facilities accepting asbestos were located in Ohio and one north of Bangor. Naturally we chose Bangor but the trucking costs still increased over 100K. I contracted with Patco construction to sell the house lots in the rear of the property and went before the planning board to get a waiver from running 800 feet of sewer line to the lots. The original intent of the sewer dept was for me to pay for the extension on rte. 1 so that the commercial development of that property would rightly be connected. Thinking that the commercial portion would occur first the plan also included the back lots. It took about a month to get to planning and then they scheduled an onsite review. Not one member of the appointed board bothered to show up at the site and then at the next meeting voted against my request. Not one other house on Adams road is on sewer and the system they mandated cannot accommodate any additions. It is a total waste of money but that's what I had to deal with. I restructured the deal with Patco and we will continue by running the sewer line as the board ordered. The most important part of all of this is that due to these delays we have missed the window of opportunity to restart this project due to the freezing temps outside. Asbestos removal requires constant water to prevent dust during the removal process so the whole work area becomes an ice ball and the crews can't continue working. It is probably mid March before we are out of the ice problem and they can resume. In the meantime I offered to fence the entire building and have a bid to do just that at a cost of \$5K until spring arrives and work begins. So then I get a call from KPD and met with them last week concerning the fence. They stressed that they spoke only for the KPD but their preference was that I post no trespassing signs so they would have authority to arrest. The fence would only serve to keep KPD out and I agree. I have posted the building, the entrance and plan on posting the perimeter I know that this has not been the easiest project to deal with but I have always been and will continue do what is possible. Thank you, Dave Sowerby